GLOSSARY OF TERMS

32-3-1. DEFINITION OF TERMS. Terms used in chapters 32-3 to 32-5-B, inclusive, mean:

A. "Commercial motor vehicle," any motor vehicle used or maintained for the transportation of persons or property for hire, compensation or profit, or designed, used or maintained primarily for the transportation of property, and not specifically excluded under § 32-9-3;

B. "Component part," any part of a motor vehicle, trailer or semitrailer other than a tire, having a vehicle identification number;

C. "Dealer," any person who for commission or with intent to make a profit or gain, sells, exchanges, rents with option to purchase, offers or attempts to negotiate a sale or exchange of new, or new and used vehicles/boats, or who is engaged wholly or in part in the business of selling new, or new and used vehicles, whether or not such vehicles/boats are owned by that person;

D. “Department," department of Revenue;

E. "Junking certificate," a certificate of ownership, which may not be restored to a title document, which allows highway use, issued by the department to the owner of a vehicle which is going to be dismantled and sold for parts;

F. "Manufactured home," a structure, transportable in one or more sections, which is eight body feet or more in width or forty body feet or more in length in the traveling mode, or is three hundred twenty or more square feet when erected on a site; which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities; and which contains the plumbing, heating, air conditioning and electrical systems therein. The term includes any structure which meets all the requirements of this subdivision and any other structure which has been certified by the secretary of housing and urban development;

G. "Manufacturer," shall include a person, firm, corporation, or association engaged in the manufacture of new motor vehicles as a regular business;

H. "Mobile home," a movable or portable unit, designed and constructed to be towed on its own chassis (comprised of frame and wheels), and designed to be connected to utilities for year-round occupancy. The term includes:

1. Units containing parts that may be folded, collapsed or telescoped when being towed and that may be expanded to provide additional cubic capacity; and

2. Units composed of two or more separately towable components designed to be joined into one integral unit capable of being separated again into the components for repeated towing;

I. "Moped," a motor driven cycle equipped with two or three wheels. If a combustion engine is used, the maximum piston or rotor displacement shall be fifty cubic centimeters regardless of the number of chambers in such power source. The power source shall, be equipped with a power drive system that, functions directly or automatically only, not requiring clutching or shifting by the operator after the drive system is engaged;

J. “Motorcycle,” includes motorcycles, motorbikes, mopeds, bicycles with motor attached and all motor operated vehicles of the bicycle or tricycle type, whether the motive power be a part thereof or attached thereto, and having a saddle or seat with the driver sitting astride or upon it, or a platform on which the driver stands, but excluding a tractor;

K. "Motor vehicle," automobiles, motor trucks, motorcycles, house trailers, trailers, and all vehicles propelled by power other than muscular power, except traction engines, road rollers, farm wagons, freight trailers, vehicles that run only on rails or tracks and off-road vehicles as defined in § 32-20- 1;

L. "New motor vehicle," any motor vehicle to which a manufacturer’s statement of origin has not been transferred, or a motor vehicle on which title was issued from the manufacturer's statement of origin or manufacturer's certificate of origin and is still in the name of the first person who took title to the vehicle;

M. "Noncommercial motor vehicle," any motor vehicle not classified as a commercial motor vehicle;

N. "Noncommercial trailer or semitrailer," any trailer or semitrailer not used or maintained for the transportation of persons or property for hire, compensation or profit;

O. "Off-road vehicle," any self-propelled, two or more wheeled vehicle designed primarily to be operated on land other than a highway and includes, but is not limited to, all terrain vehicles, dune buggies and any vehicle whose manufacturer's statement of origin (MSO) or manufacturer's certificate of origin (MCO) states that the vehicle is not for highway use. Off-road vehicle does not include a farm vehicle as defined in § 32-3-1;

P. "Owner," shall also include any person, firm, association, or corporation renting a motor vehicle or having the exclusive use thereof, under a lease or otherwise, for a period greater than thirty days; as between contract vendor and contract vendee, the term "owner" shall refer to the contract vendee, unless the contrary clearly appears from the context of chapters 32-3 to 32-5B, inclusive, or a person having legal possession or title;

Q. "Rebuilt vehicle," any motor vehicle, trailer or semitrailer that has been rebuilt by the addition or deletion of assemblies, subassemblies, parts or component parts so that upon gross visual examination it does not appear to be the vehicle described in the certificate of title last issued for the vehicle; or whose title has been marked as "rebuilt" by this state or another state or jurisdiction;

R. "Recreational vehicle," a vehicular portable structure built on a chassis designed to be used as a temporary dwelling for travel, recreational, vacation or seasonal_uses, permanently identified as a travel trailer or a recreational park trailer by the manufacturer of the trailer;

S. "Road tractor," any motor vehicle designed and used for drawing other vehicles, except farm or logging tractors used exclusively for farming or logging, and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn;

T. "Secretary," secretary of Revenue;

U. "Semitrailer," any vehicle of the trailer type, equipped with a kingpin assembly, designed and used in conjunction with a fifth wheel connecting device on a motor vehicle constructed so that some part of its weight and that of its load rests upon or is carried by another vehicle;

V. "State," includes the territories and the federal districts of the United States;

W. "Trailer," any vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle;

X. "Truck tractor," any motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn;

Y. "Used vehicle," any motor vehicle to which title has been issued to someone other than the first person who took title to the motor vehicle from the manufacturer's statement of origin or manufacturer's certificate of origin;

Z. "Vehicle identification number," the number assigned by the manufacturer or by the department for the purpose of identifying the vehicle. The term includes any numbers or letters assigned by the manufacturer for the purpose of identifying a component part and any such number stamped on a vehicle or part according to law or the rules promulgated by the department for the purpose of identifying the vehicle or part; and

AA. "Gross vehicle weight rating," the value specified by the manufacturer as the loaded weight of a single vehicle.

BB. "Salvage vehicle," any vehicle that an insurer or self-insurer determines a total loss due to theft or to damage caused by fire, vandalism, collision, weather, submersion in water, or flood. Does not apply to vehicles more than 6 model years old or with a GVWR of more than 16,000 pounds.

CC. “Notation,” a physical or electronic process of recording a lien on a certificate of title, MSO, or MCO.

DD. “Recreational park trailer,” a vehicle that is primarily designed to provide temporary living quarters for recreational, camping or seasonal use and which:

1. Is built on a single chassis mounted on wheels;

2. Has a gross trailer area not exceeding 400 square feet in the set up mode;

3. Is certified by the manufacturer as complying with American Standards Institute number A119.5, in effect on January 1, 2008; and

4. Has at least a 17 digit identification number and the manufacturer has designated the vehicle as a recreational park model on the MSO.

EE. “Low speed vehicle,” a four-wheeled motor vehicle whose speed attainable, in one mile, is more than 20 MPH and not more than 25 MPH on a paved level surface.

32-6B-1. DEFINITIONS. Terms used in this chapter, unless the context otherwise plainly requires, shall mean:

A. "Administrator," the administrator of the dealer licensing and inspection program of the Department of Revenue;

B. "Broker," a person who for a fee, commission, or other valuable consideration arranges or offers to arrange a transaction involving the sale or exchange of vehicles and who is not;

1. A dealer or a bona fide agent or employee of a dealer;

2. A representative or bona fide agent or employee of a manufacturer; or

3. At any point in the transaction the bona fide owner of the vehicle involved in the transactions.

C. "Community," the franchisee's area of responsibility as stipulated in the franchise. A community has a minimum radius of ten miles around an existing dealership;

D. "Converter," a person who modifies or installs on previously assembled chassis special bodies or equipment which, when completed, form an integral part of the vehicle and which constitutes a major manufacturing alteration and who may issue a supplemental or secondary statement of origin;

E. "Department," the Department of Revenue;

F. "Franchise," a written agreement or contract between a franchiser and franchisee which fixes the legal rights and liabilities of the parties to such agreement or contract;

G. "Franchisee," a person who receives vehicles from a franchiser under a franchise and who offers and sells the vehicles to the general public;

H. "Franchiser," any person engaged in the manufacturing or distribution of vehicles including any person who acts for the franchiser;

I. "Manufacturer," a person who manufactures or assembles vehicles including motor homes, and who issues the original or first manufacturer's statement of origin. The term "manufacturer" includes a central or principal sales corporation through which it distributes its products to franchised dealers;

J. "Motor home," a motor vehicle designed as an integral unit to be used as a conveyance upon the public highways and for use as a temporary or recreational dwelling and having a least four of the following permanently installed systems:

1. Cooking facilities;

2. Ice box or mechanical refrigerator;

3. Potable water supply including plumbing and a sink with faucet either self-contained or with connections for an external source, or both;

4. Self-contained toilet connected to a plumbing system with connection for external water disposal;

5. Heating or air conditioning system, or both, separate from the vehicle engine or the vehicle electrical system;

6. A one hundred ten -- one hundred fifteen volt (110-115) alternating current electrical system separate from the vehicle engine electrical system either with its own power supply or with a connection for an external source, or both, or a liquefied petroleum system and supply.

K. "Semitrailer," any vehicle of the trailer type, equipped with a kingpin assembly, designed and used in conjunction with a fifth wheel connecting device on a motor vehicle and constructed so that some part of its weight and that of its load rests upon or is carried by another vehicle;

L. "Supplemental lot" a physically separate location owned and maintained by a licensed dealer within the same county as the principal place of business;

M. "Temporary supplemental lot," a location other than the principal place of business or supplemental lot, but within the same county as the principal place of business, or within the corporate limits of a municipality which overlaps boundaries of a county, or in an adjoining county, if the adjoining county has no licensed vehicle dealer selling automobiles, pick-ups, or passenger vans and the temporary lot is no more than ten miles from the principal place of business, where a licensed dealer may conduct business for a period of time not to exceed ten consecutive days for a specific purpose such as fairs, auto shows, auctions, shopping center promotions or tent sales. Such temporary supplemental lots shall meet

all local zoning and building codes for the type of business being conducted. If a licensed vehicle dealer establishes a temporary supplemental lot in a county with a licensed used vehicle dealer, a licensed used vehicle dealer may establish a temporary supplemental lot in a county with a licensed vehicle dealer. A licensed vehicle dealer may establish, for manufacturer sponsored events, a temporary supplemental lot in an adjoining county that has no like franchised licensed dealers;

N. "Trailer," any vehicle without motive power designed to be coupled to or drawn by a motor vehicle and constructed so that no part of its weight or that of its load rests upon the towing vehicle;

O. "Trailer dealer," any person who for commission or with intent to make a profit or gain, sells, exchanges, rents with option to purchase, offers or attempts to negotiate a sale or exchange of new or used trailers, semitrailers, recreational park trailers or travel trailers or who is engaged in the business of selling new or used trailers, semitrailers or travel trailers whether or not such vehicles are owned by such person;

P. "Travel trailer," any trailer or semitrailer which provides as it primary purpose adequate, comfortable, temporary living quarters while on pleasure excursions or while touring for business, professional, education or recreational purposes;

Q. "Used vehicle dealer," any person who, for commission or with intent to make a profit or gain sells, exchanges, rents with option to purchase, offers or attempts to negotiate a sale or exchange of used vehicles or who is engaged in the business of selling used vehicles;

R. "Vehicle," any new or used automobile, truck, truck tractor, motorcycle, motor home, trailer, semitrailer or travel trailer of the type and kind required to be titled and registered under chapters 32-3 and 32-5, except mobile homes, mopeds or snowmobiles;

S. “Vehicle dealer,” any person who, for commission or with intent to make a profit or gain, sells, exchanges, rents with option to purchase, offers or attempts to negotiate a sale or exchange of new or new and used vehicles, or who is engaged wholly or in part in the business of selling new, or new and used vehicles;

T. “Boat dealer,” any person who for commission or with intent to make a profit or gain, sells, exchanges, rents, or leases with option to purchase, offers or attempts to negotiate a sale or exchange of new or used boats, or who is engaged wholly or in part in the business of selling new or used boats;

U. “Emergency vehicle dealer,” any person who converts or manufacturers authorized emergency vehicles and who, for commission or with intent to make a profit or gain, sells, exchanges, rents with option to purchase, offers or attempts to negotiate a sale or exchange of new or new and used authorized emergency vehicles, or who is engaged wholly or in part in the business of selling new or new and used emergency vehicles; includes the submission of a bid proposal for the sale of a vehicle if the bid proposal is offered in response to a bid request originating in this state;

V. “Authorized emergency vehicle,” any vehicle of a fire department and any ambulance and emergency vehicle of a municipal department or public service corporation that are designed or authorized by the Department of Commerce and Regulation;

W. "Sell-it-yourself lot," any space provided to a person for a fee to display that person's boat or vehicle for sale;

X. "Auctioneer," a person who presides over a public auction where following an initial starting price, bids are taken from two or more people until a final bid or price is established for a motor vehicle;

Y. “Public auction,” a business that is open to the public where South Dakota titled motor vehicles are consigned, displayed, and auctioned to the highest bidder by an auctioneer;

Z. "Temporary special events lot," a location other than the principal place of business, supplemental lot or temporary supplemental lot where a licensed trailer dealer, a licensed used car dealer, or a licensed vehicle dealer selling only truck tractors, trailers or motor homes, or any combination thereof, may conduct business for a period of time not to exceed 10 consecutive days for a specific purpose such as fairs, auctions, shopping center sales, or tent sales, A temporary special events lot shall meet all local zoning and building codes for the type of business being conducted;

AA. “Auxiliary lot,” a physically separate location, such as a mobile home park, manufactured housing rental community, manufactured housing subdivision, or any residential lot, where a licensed dealer displays manufactured homes or mobile homes.

BB. “Temporary boat show lot,” any location other than the principal place of business or supplemental lot where a licensed boat dealer may conduct business for a period of time not to exceed 10 consecutive days for a specific purpose such as fairs, shopping center sales, or boat shows. A temporary boat show lot must meet all local zoning and building codes.

CC. “Final Stage Manufacturer dealer,” any person who assembles or installs on a previously assembled new vehicle chassis any special body or equipment that forms an integral part of the motor vehicle, constitutes a major manufacturing alteration and completes the vehicle.

DD “Chassis Cab,” any incomplete motor vehicle, with a completed occupant compartment, that requires only the addition of cargo carrying, work performing, or lead bearing components to perform the vehicle’s intended function.

32-9-1. DEFINITIONS. Terms used in this chapter, unless the context otherwise plainly requires, shall mean:

A. "Public highway," every street, alley, public road, public thoroughfare, or highway in this state;

B. "Motor vehicle," all vehicles or machines propelled by any power other than muscular used upon the public highways for the transportation of persons or property, or both;

C. “For hire,” for remuneration of any kind, paid or promised either directly or indirectly, for the transportation of persons or property. An occasional accommodative transportation service by a person not in the transportation business while on an errand for himself, shall not be construed as a service for hire, even though the person transported shares in the cost or pays for the service;

D. "Compensation," the charge imposed upon motor carriers in consideration of the unusual use of the public highways in this state by such motor carriers;

E. "Compensation certificate," the certificate issued upon application by a motor carrier, as defined in §§ 32-9-2 and 32-9-3, showing authority to use and payment of compensation for the unusual use of the highways by the one to whom issued;

F. "Trailer," every vehicle without motive power designed to carry property or persons wholly on its own structure and to be drawn by a motor vehicle;

G. "Semitrailer," any vehicle of the trailer type, equipped with a kingpin assembly, designed and used in conjunction with a fifth wheel connecting device on a motor vehicle constructed so that some part of its weight and that of its load rests upon or is carried by another vehicle;

H. "Gross weight," the total weight of the chassis, body, equipment, and maximum load of each motor vehicle, trailer, or semitrailer as fixed by the applicant for a compensation certificate;

I. "Commercial motor vehicle," any motor vehicle used or maintained for the transportation of persons or property for hire, compensation or profit or designed, used or maintained primarily for the transportation of property, and not specifically excluded under § 32-9-3;

J. "Private business use," the transportation of persons or property for hire, compensation, profit, or remuneration of any kind, or the transportation of any property of a business venture not specifically excluded under § 32-9-3.

32-10-1. DEFINITIONS. As used in this chapter:

A. "Commercial vehicle," means any vehicle which is operated in interstate commerce in furtherance of any commercial enterprise;

B. “Interstate commerce,” means the movement of a vehicle between jurisdictions but shall not include the movement of any vehicle which transports or is being used to transport persons or property, the transportation of which originates in one jurisdiction and passes into or through another jurisdiction or jurisdictions, for the delivery in the jurisdiction in which the transportation originated;

C. "Jurisdiction," means and includes a state, district, territory or possession of the United States, a foreign country and a state or province of a foreign country;

D. "Owner," means the same as it is defined in subdivision (16) of § 32-3- 1, except that for the purposes of proportional registration of vehicles as authorized and provided in §§ 32-10-15 to 32-10-28, inclusive, "owner" shall mean a person who holds a legal title of a vehicle, or in the event a vehicle is the subject of an agreement for the conditional sale thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee, or in the event while a vehicle is subject to a lease with an immediate right of possession vested in the lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee, lessee or mortgagee shall be deemed to be the owner;

E. "Preceding year," means a period of twelve consecutive months fixed by the administrator which period shall be within the sixteen months immediately preceding the commencement of the registration or license year for which proportional registration is sought; and the administrator in funding such period shall make it conform to the terms, conditions and requirements of any applicable agreement or arrangement for the proportional registration of vehicles;

F. “Properly registered,” as applied to place of registration means:

1. The jurisdiction where the person registering the vehicle has his legal residence; or

2. In the case of a commercial vehicle, the jurisdiction in which it is registered if the commercial enterprise in which such vehicle is used has a place of business therein, and, if the vehicle is most frequently dispatched, garaged, serviced, maintained, operated or otherwise controlled in or from such place of business, and, the owner has assigned the vehicle to such place of business; or

3. In the case of a commercial vehicle, the jurisdiction where, because of an agreement or arrangement between two or more jurisdictions, or pursuant to a declaration, the vehicle has been registered as required by said jurisdiction. In case of doubt or dispute as to the proper place of registration of a vehicle, the administrator shall make the final determination, but in making such determination, may confer with administrators of the other states or jurisdictions affected;

G. The words "motor vehicle," "person" and "vehicle" shall each have the meaning ascribed to them by § 32-9-1.

H. "Administrator," means the secretary of revenue.

32-20-1. DEFINITION OF TERMS. Terms used in this chapter, unless the context otherwise plainly requires, shall mean:

A. "Off-road vehicle," any self-propelled, two or more wheeled vehicle designed primarily to be operated on land other than a highway and includes, but is not limited to, all terrain vehicles, dune buggies and any vehicle whose Manufacturer's Statement of Origin (MSO) or Manufacturer's Certificate of Origin (MCO) states that the vehicle is not for highway use. Off-road vehicle does not include a farm vehicle.

B. "Moped," a motor driven cycle equipped with two or three wheels. If a combustion engine is used, the maximum piston or rotor displacement shall be fifty cubic centimeters regardless of the number of chambers in such power source. The power source shall be equipped with a power drive system that functions directly or automatically only, not requiring clutching or shifting by the operator after the drive system is engaged.

C. "Motorcycle," includes motorcycles, motorbikes, mopeds, bicycles with motor attached and all motor operated vehicles of the bicycle or tricycle type, whether the motive power be a part thereof or attached thereto, and having a saddle or seat with the driver sitting astride or upon it, or a platform on which the driver stands, but excluding a tractor.

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A. (8)…“Snowmobile,” any engine-driven vehicle of a type which uses sled type runners or skis with an endless belt tread or similar means of contact with the surface upon which it is operated and the vehicles not not exceed 48 inches in width.

32-36-2. DEFINITION OF TERMS. Terms used in this chapter unless the context otherwise plainly requires, shall mean:

A. "Abandoned motor vehicle," any motor vehicle left on a public street or highway or left on private property without permission of landowner or tenant;

B. "Junk motor vehicle," any motor vehicle which has been placed on the property of a recognized junk dealer for the purposes of salvage;

C. "Removal agency," any public body, private or non-profit organization authorized by this chapter to remove and salvage abandoned and junk motor vehicles and other scrap metals. The removal agency may be authorized by Chapter 32-30 to remove vehicles, may be hired or appointed by a public body or may be in the business of removing or salvaging vehicles;

D. "Scrap metals," waste or refuse metals that have been in actual use and have been abandoned and are fit only to be remanufactured or recycled.

E. “Impounded vehicle,” any vehicle removed or caused to be removed from a public highway pursuant to § 32-30-19.

F. “Salvage vehicle,” any vehicle that an insurer or self-insurer determines a total loss due to theft or to damage caused by fire, vandalism, collision, weather, submersion in water, or flood. Does not apply to vehicles more than 6 model years old or with a GVWR of more than 16,000 pounds.

32-3A-2. DEFINITION OF TERMS. Terms used in this chapter, unless the context otherwise requires, shall mean:

A. "Boat," every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water;

B. "Commission," the game, fish, and parks commission of this state acting directly or through its authorized officers;

C, "Motorboat," any vessel propelled by machinery, whether or not such machinery is the principal source of propulsion, but does not include a vessel which has a valid marine document issued by the commissioner of customs of the United States government or any federal agency successor thereto;

D. "Operate," to navigate or otherwise use a vessel;

E. "Owner," a person other than a lienholder, having the property in or title to a boat. The term includes a person entitled to the use or possession of a boat subject to an interest in another person reserved or created by agreement and securing payment or performance of an obligation, but the term excludes a lessee under a lease not intended as security;

F. "Racing boat," any boat designed and manufactured exclusively for racing;

G. "Sailboard," any single-hulled boat equipped with an articulating mast and designed to be operated by a person standing on the board, maneuvering through the trim of the hand-held sail and distributing his body weight on the board;

H. "Personal watercraft," any motor boat that has an inboard or outboard motor powering a water jet pump or caged propeller as its primary source of motive power and is designed to be operated by a person standing on, kneeling on, sitting astride, or being towed behind the watercraft, and has the probability that the operator and passengers may in the normal course of use, fall overboard;

I. "Waters of this state," any public waters within the territorial limits of this state and all waters which form a common boundary between this state and Minnesota, North Dakota, Montana, Wyoming, Iowa, and Nebraska;

J. "Boat dealer," any person who in the ordinary course of business sells new or used large boats.

VEHICLE AGE EXEMPTION SCHEDULE

EXEMPTION # *14* *(EFFECTIVE JULY 1, 2007, ANY MOTOR VEHICLE SOLD OR TRANSFERRED WHICH IS 11 OR MORE MODEL YEARS OLD AND WHICH IS SOLD OR TRANSFERRED FOR $*2,200 *OR LESS BEFORE TRADE-IN) -- CURRENT YEAR (-) 11*:

As of January, 2014 ----------2003 and older vehicles are exempt
As of January, 2015----------2004 and older vehicles are exempt
As of January, 2016----------2005 and older vehicles are exempt
As of January, 2017----------2006 and older vehicles are exempt

SALVAGE TITLE (EXEMPTION GRA*NTED ON VEHICLES 7 OR MORE YEARS OLD) -- CURRENT YEAR (-) 7:*

As of January, 2014 ----------2007 and older vehicles/boats are exempt
As of January, 2015----------2008 and older vehicles/boats are exempt
As of January, 2016----------2009 and older vehicles/boats are exempt
As of January, 2017----------2010 and older vehicles/boats are exempt

DAMAGE DISCLOSURE STATEMENT *(EFFECTIVE JULY 1, 2003, EXEMPTION GRANTED ON VEHICLES/BOATS 7 OR MORE YEARS OLD) -- CURRENT YEAR (-) 7:*

As of January, 2014----------2007 and older vehicles/boats are exempt
As of January, 2015----------2008 and older vehicles/boats are exempt
As of January, 2016----------2009 and older vehicles/boats are exempt
As of January, 2017----------2010 and older vehicles/boats are exempt

ODOMETER STATEMENT/FEDERAL AND STATE REQUIREMENT *(EXEMPTION GRANTED ON VEHICLES 10 OR MORE YEARS OLD -- CURRENT YEAR (-) 10*:

As of January, 2014---------- 2004 and older vehicles are exempt
As of January, 2015----------2005 and older vehicles are exempt
As of January, 2016----------2006 and older vehicles are exempt
As of January, 2017----------2007 and older vehicles are exempt

(EFFECTIVE JULY 1, 2011) 10-YEAR-OLD VEHICLE LICENSE BREAK (*NONCOMMERCIAL VEHICLES 10 YEARS OLD OR MORE RECEIVE A 30% FEE REDUCTION) – CURRENT YEAR (-) 10*:

As of January, 2014----------2004 and older vehicles receive reduction
As of January, 2015----------2005 and older vehicles receive reduction
As of January, 2016----------2006 and older vehicles receive reduction
As of January, 2017----------2007 and older vehicles receive reduction

Damage and Salvage Dates:

1988 damage (9 years and newer)----------$1,000
1992 damage----------$2,000
1999 damage (and damage disclosure notice) ----------$3,000
2003 damage (6 years and newer)----------$5,000
2004 damage (boats added)----------$5,000
2005 damage (salvage added)----------$5,000
2010 damage and salvage (salvage recovered theft added)--$5,000

MOTOR VEHICLE FEE SCHEDULE

Certificate of title	$5
Certificate of title with liens	$5 + $5 for each lien noted
Interest: All fees will be assessed from purchase date, regardless of when an applicant applies for title and registration.*	The system will automatically assess interest at the rate of 1 1/4 % on any application made after 30 days from the date of purchase.*
Penalty: All fees will be assessed from purchase date, regardless of when an applicant applies for title and registration.**	In addition to the interest, a 10% penalty or $10 fee, whichever is greater, will automatically be applied against an application made 60 days from the purchase date.**
Written requests for damage disclosure information	$5
Written requests for title histories	$5
Duplicate title	$10
Repossession title	$5
Lien notation	$5
Lien cancellation	No fee
Issuance and attachment of assigned serial number	$25
Duplicate license plate renewal certificate	$2
Duplicate lienholder's notice of filing	$2
License plate mailing fee (per set)	$5
Decal mailing fee (per set)	$1.00
License plate reassignment fee	$5.00
Fee charged for dishonored check	$30.00

Interest and Penalty (applies to 3% motor vehicle excise tax and 4% initial registration fee). All fees are assessed from purchase date regardless of when an applicant applies for title and registration.

*The system automatically assesses interest on the tax owed for each month or part thereof for which the tax payment is late at the rate of 1-1/4% or $5, whichever is greater, for the first month; and 1-1/4% per month thereafter on any application made after 30 days from the date of purchase. (Interest is not calculated on interest.)

**A one-time penalty equal to 10% of the tax or $10, whichever is greater, is automatically applied against any application made after 60 days from the purchase date.

SOUTH DAKOTA
THIRTY DAY PERMIT SCHEDULE

2 Ton----------9.00	25 Ton----------135.00
3 Ton----------11.00	26 Ton----------142.00
4 Ton----------13.00	27 Ton----------149.00
5 Ton----------15.00	28 Ton----------156.00
6 Ton----------18.00	29 Ton----------163.00
7 Ton----------21.00	30 Ton----------170.00
8 Ton----------24.00	31 Ton----------177.00
9 Ton----------27.00	32 Ton----------184.00
10 Ton----------30.00	33 Ton----------191.00
11 Ton----------37.00	34 Ton----------198.00
12 Ton----------44.00	35 Ton----------205.00
13 Ton----------51.00	36 Ton----------212.00
14 Ton----------58.00	37 Ton----------219.00
15 Ton----------65.00	38 Ton----------226.00
16 Ton----------72.00	39 Ton----------233.00
17 Ton----------79.00	40 Ton----------240.00
18 Ton----------86.00	41 Ton----------247.00
19 Ton----------93.00	42 Ton----------254.00
20 Ton----------100.00	43 Ton----------261.00
21 Ton----------107.00	44 Ton----------268.00
22 Ton----------114.00	45 Ton----------275.00
23 Ton----------121.00	46 Ton----------282.00
24 Ton----------128.00	47 Ton----------289.00

A fee of $7 is added for each additional ton.

BOAT FEE SCHEDULE

	Annual Fee
Nonmotorized Boats Over 12' and Boats Propelled Only by Electric Motors	$12.50 Fee
Motorboats Under 19' (includes ski jets)	$20 Fee
Motorboats 19' and Over	$40 Fee

Temporary fishing tournament boat license (10 consecutive dates)----------$50

(last fee change, May 1, 2009)

OTHER FEES

Certificate of Title (Boat Over 12' in Length and All Motorized Boats).....$5

Certificate of Title With Liens.....$5 + $5 for Each Lien Noted Thereon

Duplicate Title.....$10

Transfer of Boat Ownership (Exempted Boats).....$2 (Fee is Submitted to Division of Motor Vehicles

Registration (CT administrative fee assessed on each boat licensed).....$1 (Fee is Retained)

Duplicate Registration.....$2 (Fee is Retained by the County)

Duplicate Boat Decals.....$3 ($1 of This Fee is Retained by the County)

Written Requests for Damage Disclosure Information…….$5

Mailing Fees----------$1 per decal

Interest and Penalty (applies to 3% motor vehicle excise tax). All fees are assessed from purchase date regardless of when an applicant applies for title and registration.

The system automatically assesses interest on the tax owed for each month or part thereof for which the tax payment is late at the rate of 1-1/4% or $5, whichever is greater, for the first month; and 1-1/4% per month thereafter on any application made after 30 days from the date of purchase. (Interest is not calculated on interest.)

A one-time penalty equal to 10% of the tax or $10, whichever is greater, is automatically applied against any application made after 60 days from the purchase date.

DRIVER'S PRIVACY PROTECTION ACT

A. The Driver's Privacy Protection Act (DPPA) is federal legislation passed in 1994. South Dakota began its implementation in June of 2000. Legislation, effective July 1, 2001, incorporated the federal regulations into state law. The DPPA restricts states from disclosing an individual's personal information that is contained in the records of state motor vehicle departments without the individual's consent. The type of information restricted from being released includes: a person's name, address, telephone number, social security number, driver's license number.

Disclosure of information is permitted under the following:

1. For use by any government agency or by any private person or entity acting on behalf of a federal, state or local agency in carrying out its functions.

2. For any state-authorized purpose relating to the operation of a motor vehicle or public safety or for use in connection with car safety, prevention of car theft, and promotion of driver safety.

3. For use by a business to verify the accuracy of personal information submitted to that business and to prevent fraud or pursue legal remedies if the information that the individual submitted to the business is revealed to have been inaccurate.

4. In connection with court, agency, or self-regulatory body proceedings.

5. For research purposes so long as the information is not further disclosed or used to contact the individuals to whom the data pertains.

6. For use by insurers in connection with claims investigations, antifraud activities, rating or underwriting.

7. To notify vehicle owners that their vehicle has been towed or impounded.

8. For use by licensed private investigative agencies or security services for any purpose permitted by the DPPA.

9. For use in connection with private toll transportation services.

B. The DPPA's provisions do not apply solely to states. The Act also regulates the resale and redisclosure of personal information by private persons who have obtained the information from a state DMV. The DPPA establishes several penalties to be imposed on states and individuals that fail to comply with the provisions of the DPPA. The Act makes it unlawful for any person knowingly to obtain or disclose any record for a use that is not permitted under its provisions, or to make a false representation in order to obtain personal information for a motor vehicle record.

MOTOR VEHICLE 3% EXCISE TAX EXEMPTION CODES

CODE NUMBER	EXPLANATION
1	Vehicles and house trailers, which are the property of this state, of the United States, of counties, townships, municipalities, public or nonpublic schools, Indian tribes or schools, fire departments, vehicles purchased by the state under the Urban Mass Transportation Act, nonprofit community support providers, buses and vans owned by churches, and farm vehicles as defined in 32-5-1.3.
2	Vehicle acquired by inheritance from or bequest of a decedent.
3	Vehicle previously titled or licensed jointly in the names of two or more persons and subsequently transferred without consideration to one or more of such persons.
4	Vehicle transferred without consideration between spouses, between a parent and child, and between siblings.

EXEMPTION 5 THROUGH 11 MUST BE SOUTH DAKOTA TITLED VEHICLES TO QUALIFY

5	Vehicle transferred pursuant to any mergers or consolidation of corporations or plans of reorganization by which substantially all of the assets of a corporation or LLC are transferred.
6	Vehicle transferred by a subsidiary corporation or LLC to its parent corporation or LLC .
7	Vehicle transferred between an individual and a corporation or LLC where the individual and the owner of the majority of the capital stock of the corporation or LLC are one and the same.
8	Vehicle transferred between a corporation or LLC and its stockholders or creditors when to effectuate a dissolution of the corporation or LLC.
9	Vehicle transferred between an individual and a limited or general partnership where the individual and the owner of the majority interest in the partnership are one and the same person.
10	Vehicle transferred to effect a sale of all or substantially all of the assets of the business entity.
11	Vehicle transferred between corporations or LLCs, both subsidiary and nonsubsidiary, if the individuals who hold a majority of stock in the first corporation or LLC also hold a majority of stock in the second corporation or LLC; but these individuals need not hold the same ratio of stock in both corporations or LLCs.
12	Vehicle acquired by a secured party or lienholder in satisfaction of a debt.
13	Vehicle first transferred to a person other than a licensed motor vehicle dealer when such vehicle was previously licensed and registered pursuant to 32-5-27 (exemption applies only if title previously coded "27").
14	Any motor vehicle sold or transferred which is eleven or more model years old, which is sold or transferred for $2,200 or less before trade-in.
15	This exemption code is used when the first retail purchaser registers the vehicle that was exempt under exemption code #36.

16 Repealed.

17 Effective July 1, 1990, licensed motor vehicle dealer titles vehicle pursuant to 32-5-27, (vehicle brought in from out-of-state, not taken in on trade, for the purpose of resale) and does not pay 3% tax. Dealer has the option of licensing the vehicle. The first retail sale is taxable.

18 Any motor vehicle transferred by a trustor to his trustee or from a trustee to a beneficiary of a trust.

19 Vehicle rented for 28 days or less or a trailer that has an unladen weight of 9,000 pounds or more, rented for 6 months or less and not consecutively rented for more than one six-month period.

20 Cheyenne River Sioux Tribe member living on his/her own reservation.

21 Rosebud Sioux Tribe member living on his/her own reservation.

22 Standing Rock Sioux Tribe member living on his/her own reservation.

23 Crow Creek Sioux Tribe member living on his/her own reservation.

24 Flandreau Santee Sioux Tribe member living on his/her own reservation.

25 Lower Brule Sioux Tribe member living on his/her own reservation.

26 Oglala Sioux Tribe member living on his/her own reservation.

28 Sisseton Wahpeton Sioux Tribe member living on his/her own reservation.

29 Yankton Sioux Tribe member living on his/her own reservation.

27 Prior to July 1, 1990, licensed motor vehicle dealers paying tax pursuant to 32-5-27 (vehicles brought in from out-of-state, not taken in on trade, for the purpose of resale).

36 South Dakota new motor vehicle dealer chooses to tax, title, and license a new vehicle on his/her lot. Excise tax must be assessed on the manufacturer's suggested price. The first retail sale is exempt.

42 Dealer titles (option of licensing) used vehicles and does not pay 3% tax.

45 Closed lease (3% taxed on lease payments).

46 Open-end lease (3% taxed on purchase price).

48 Vehicle transferred without consideration to any South Dakota nonprofit corporation that will donate the vehicle to a needy family or individual.

55 Prorate

84 Insurance company titles vehicle and does not pay 3% tax.

88 Coast Guard documented boat used on South Dakota waterways.

90 Motor vehicle purchased prior to June, 1985.

91 Motor vehicle that is exempt because it was on the dealer's inventory prior to June, 1985, and was listed on a dealer inventory list that was provided to the county treasurer and the Division of Motor Vehicles.

92 House trailer (assessed tax under the 4% initial registration fee).

94 All-terrain vehicle (does not meet federal and state regulations for roadworthiness; and therefore, cannot be licensed).

95 Title only (no tax is paid because the vehicle will not be used on the streets or highways).

97 Tax previously paid by registered owner (for instance, previous interstate title, title submitted for removal of canceled lien).

98 Applies when an even trade takes place where both vehicles are of equal value, or trade-down takes place where the vehicle purchased has a lesser value than the vehicle traded. Prices must be substantiated with a bill of sale.

99 Applicant surrenders out-of-state title in applicant's name from a state that has an equal and similar tax for a South Dakota title reciprocity granted.

PLEASE NOTE: In the tax-amount section on titles issued prior to January 1, 1991, if an asterisk appears before the figure given, this indicates that it is an exemption code. If the asterisk does not appear, the figure is the amount of tax paid.

BOAT 3% EXCISE TAX EXEMPTION CODES

CODE NUMBER	EXPLANATION
1	Any large boat which is the property of the governmental units which are exempted from motor vehicle registration fees by §§ 32-5-42 and 32-5-42A.
2	Any large boat acquired by inheritance from or bequest of a decedent.
3	Any large boat previously titled or licensed jointly in the names of two or more persons and subsequently transferred without consideration to one or more of such persons.
4	Any large boat transferred without consideration between spouses, between a parent and child, and between siblings.

EXEMPTION 5 THROUGH 11 MUST BE SOUTH DAKOTA TITLED VEHICLES TO QUALIFY

5	Any large boat transferred pursuant to any mergers or consolidation of corporations or LLCs or plans of reorganization by which substantially all of the assets of a corporation or LLC are transferred.
6	Any large boat transferred by a subsidiary corporation or LLC to its parent corporation or LLC.
7	Any large boat transferred between an individual and a corporation or LLC if the individual and the owner of the majority of the capital stock of the corporation or LLC are one and the same.
8	Any large boat transferred between a corporation or LLC and its stockholders or creditors when to effectuate a dissolution of the corporation or LLC .
9	Any large boat transferred between an individual and a limited or general partnership if the individual and the owner of the majority interest in the partnership are one and the same person.
10	Any large boat transferred to effect a sale of all or substantially all of the assets of the business entity.
11	Any large boat transferred between corporations or LLCs, both subsidiary and nonsubsidiary, if the individuals who hold a majority of stock in the first corporation or LLC also hold a majority of stock in the second corporation; but these individuals need not hold the same ratio of stock in both corporations or LLCs.
12	Any large boat acquired by a secured party or lienholder in satisfaction of a debt.
14	Any large boat sold or transferred which is eleven or more model years old and which is sold or transferred for $2,200 or less before trade-in.
18	Any large boat transferred by a trustor to his trustee or from a trustee to a beneficiary of a trust.
42	Dealer titles (optional licensing) a boat and does not pay 3% excise tax.
84	Any damaged large boat transferred to an insurance company in the settlement of an insurance claim.

95 Title only (large boat) in which no tax is being paid because the large boat will not be used on the waters of this state or any other state.

97 Any large boat owned by a former resident of this state who returns to the state and who had previously paid excise tax to this state on the large boat as evidenced within the department's records or by submission of other acceptable proof of payment of such tax.

98 Applies when an even trade takes place, or trade-down takes place. Prices must be substantiated with a bill of sale.

99 Applicant surrenders out-of-state title in applicant's name from a state that has an equal and similar tax for a South Dakota title; reciprocity granted.

PLEASE NOTE: *If* an *asterisk appears before the figure given in the tax amount section on titles, this indicates that it is* an exemption *code. If* the asterisk does not *appear, the figure is* the amount *of tax paid.*

DEFINITION OF 3% EXCISE TAX

A. Motor vehicles

1. In addition to all other license and registration fees for the use of the highways, a person shall pay an excise tax at the rate of 3% on the purchase price of any motor vehicle purchased or acquired for use on the streets and highways of South Dakota and required to be registered under the laws of this state.

   a. This tax shall be in-lieu-of any tax levied on the sales of such vehicles.

   b. Failure to pay the full amount of excise tax is a Class 1 misdemeanor.

B. Boats

1. In addition to all other fees, a person shall pay an excise tax at the rate of 3% on the purchase price of any large boat purchased or acquired for use on the waters of this state and required to be registered under the laws of this state.

   a. This tax shall be in-lieu-of any tax levied by chapters 10-45 and 10-46 on the sales of such large boats.

   b. Failure to pay the full amount of excise tax is a Class 1 misdemeanor.

C. For the purpose of this 3% excise tax, the purchase price is:

1. For a new motor vehicle/large boat, sale or lease, the total consideration whether received in money or otherwise. However, when a motor vehicle/large boat is taken in trade as a credit or part payment on a new vehicle/large boat, the credit or trade-in value allowed by the seller shall be deducted from the total consideration for the new motor vehicle/large boat to establish the purchase price. (Applies only to motor vehicles: The credit or trade-in value of any damaged motor vehicle may include the value of any check from an insurance company which is intended to cover the damages of the motor vehicle.)

2. For a used vehicle/large boat sold by a licensed motor vehicle/boat dealer, the total consideration whether received in money or otherwise. However, when a vehicle/large boat is taken in trade by the dealer as a credit or part payment, the amount allowed by the dealer shall be deducted so that the net consideration is established. (Applies only to motor vehicles: The credit or trade-in value of any damaged motor vehicle may include the value of any check from an insurance company which is intended to cover the damages of the motor vehicle.)

3. For a used motor vehicle/large boat sold or transferred by any person other than a licensed motor vehicle/boat dealer, 3% excise tax is due on the purchase price. (If a bill of sale is not available, tax is based on the retail value stated in a nationally recognized dealer's guide approved and furnished by the Secretary of Revenue. If a bill of sale cannot be obtained, a statement by the applicant indicating such must be provided, or an indication on the MV-608/MV-607 indicating a bill of sale is not available is acceptable.) However, when there is a trade-in indicated on the bill of sale, tax is due on the difference. For example: a 1970 Chevrolet plus $2,000 is traded for a 1979 Chevrolet; 3% tax is assessed on the $2,000. (If bill of sale is not available, tax is based on NADA book value of the vehicle/boat purchased minus NADA book value of the vehicle/boat traded in and taxed on the remainder.)

4. For a new or used motor vehicle/large boat acquired by gift or other transfer for no or nominal consideration, the manufacturer's suggested dealer list price for new vehicles/large boats and for used motor vehicles/large boats the retail value stated in a nationally recognized dealer's guide approved and furnished by the Secretary of Revenue.

5. For a vehicle/large boat manufactured by a person who registers it under the laws of this state, the amount expended for materials, labor and other property allocable costs, or in the absence of actual expenditures, the reasonable value of the completed motor vehicle/large boat.

6. For a rebuilt motor vehicle/large boat, upon its initial registration and titling, the total consideration for the salvage vehicle/large boat, whether received in money or otherwise, and the total consideration for any assemblies, subassemblies, parts, or component parts used.

7. For either a new or used motor vehicle (that has a gross vehicle weight rating of less than 16,000 pounds, excluding motorcycles and motorized bicycles) or a fertilizer vehicle, which is a closed lease, the total consideration is all lease payments, including cash, rebates, the net trade-in, extended warranties, administrative fees, acquisition fees, or any other fees assessed on the purchase price of the vehicle. Total consideration does not include title fees, registration fees, vehicle excise tax, federal excise taxes attributable to the sale of the vehicle to the owner, or to the lease of the vehicle by the owner, insurance, and refundable deposits. If the term of the lease is extended or if the vehicle is leased for an additional period of time, the excise tax is assessed on the additional lease payments and shall be paid by the lessor. If additional consideration is paid during the course of the lease or upon termination of the lease, tax is assessed upon such amount and shall be paid by the lessor.

8. For either a new or used motor vehicle (that has a gross vehicle weight rating of less than 16,000 pounds, excluding motorcycles and motorized bicycles), or a fertilizer unit, which is leased and the terms of the lease are either not certain at the time the lease contract is executed or the lease is open-ended, the purchase price is the total consideration whether received in money or otherwise. Total consideration includes the purchase price, plus cash, rebates, the net trade-in, extended warranties, administrative fees, acquisition fees, or any other fees assessed on the purchase of the vehicle. Total consideration does not include, title fees, registration fees, vehicle excise tax, federal excise tax attributable to the sale of the vehicle to the owner or to the lease of the vehicles by the owner, insurance, and refundable deposits.

D. Motor vehicles/large boats exempted from the 3% excise tax were listed previously under “3% Excise Tax Exemption Codes".

E. A motor vehicle/large boat license shall not be issued unless all requirements for registration are completed and the correct amount of the 3% excise tax has been collected by the county treasurer.

F. No refunds or collections of the 3% excise tax will be made on amounts under $5.

G. If an applicant who was unable to obtain a bill of sale prior to making application, and thus was assessed 3% excise tax on the book value, later obtains the bill of sale, a refund for the overpayment of the excise tax will be authorized if the request is made within one year from the date of the original application. No refund will be granted on requests made after one year from the date of application. The title must be returned to the Division of Motor Vehicles for correction of the tax amount. A $5 title correction fee is assessed.

H. If any motor vehicle/large boat has been subjected previously to a sales tax, use tax, excise tax, or similar tax on the purchase of the vehicle by any other state or its political subdivision, and the percentage of tax paid in the other state is equal to or greater than the tax owed to this state, and if the tax has been paid by the applicant; then no additional tax is due.

1. Motor Vehicles

a. States which assess less tax than South Dakota: Alabama-2%; Alaska-0%; Montana-0%; New Hampshire-0%; Oregon-0%; and South Carolina-5% or $300 (whichever is less). In some states, tax rates vary. If proof of payment of a like or similar tax (equal or more amount) is furnished, reciprocity (or credit for tax paid) may be granted.

b. If the amount of tax levied in such other state or its political subdivision is less than the amount of tax levied by this state, then an additional tax is due. The amount due is arrived at by subtracting the amount of tax previously paid by the applicant from the amount of tax due. For instance, an applicant previously paid tax in the amount of $100 to the state of Delaware. The applicant is registering a vehicle that currently books for $4,000. The amount of tax due our state is $20.

$4,000 x 3% = $120 -- $100 = $20

If proof of the amount of tax previously paid by the applicant is not available, the following amount of excise tax would be assessed:

$4,000 x .25% = $10

3. A title in the applicant's name from a state that collects an equal or greater amount of tax, an affidavit of a licensed dealer, bill of sale, receipt or other tangible evidence that an amount of tax has been paid by the current applicant must be submitted. Unless the applicant submits a state tax receipt verifying tax payment, the applicant must complete an “Applicant’s Tax Payment Verification” form (MV/2007), on any out-of-state title transaction in which the issue date on the out-of-state title is 6 months or less from the date of application. These may be subject to further verification by the Division of Motor Vehicles. On a vehicle purchased from an out-of-state dealer that collects tax, the dealer is required to complete a “Verification of Tax Assessment By Out-of-State Dealer” form (MV/2003). If sufficient proof is not furnished, the county treasurer shall collect the full amount of excise tax due.

SALVAGE TITLE

A. Salvage Title (Effective July 1, 2005)

1. A salvage vehicle is any vehicle that an insurer or self-insurer determines a total loss due to theft or to damage caused by fire, vandalism, collision, weather, submersion in water, or flood.

    a. A salvage vehicle includes: automobile, motor truck, truck tractor, semi tractor, or motor home (vehicles more than 6 model years old or with a gross vehicle weight rating of more than 16,000 pounds are exempt).

    b. Salvage titles are required on vehicles 16,000 pounds (GVWR) or less and vehicles that are 6 years old or less.

2. If any insurer, in settlement of a total loss insurance claim, or self-insurer acquires ownership of a salvage vehicle that does not have a salvage title, the insurer must, within 30 days following acquisition of the title of that vehicle, surrender the title to the department.

    a. A title indicating salvage will be issued to the insurer or self insurer.

3. If any insurer or self insurer declares a vehicle to be a total loss but does not acquire ownership of the vehicle, the owner must obtain a salvage title.

    a. The insurer or self insurer must notify the owner, in writing, of the obligation to obtain a salvage title before the owner sells or transfers the title.

    b. If the owner sells or transfers the ownership of the vehicle without first obtaining a salvage title, the owner is guilty of a Class 1 misdemeanor.

4. Any motor vehicle 16,000 pounds GVWR or less, regardless of the vehicle's age, that has a title branded as salvage or with any other similar brand by another state or jurisdiction, the applicant shall receive a salvage title, or at the option of the owner, a junking certificate.

5. Out-of state-title brands are displayed on all titles in the previous state field.

RECOVERED THEFT

If a stolen vehicle is recovered, the insurer or self-insurer, within 30 days of recovery, must inspect the vehicle and apply for a title as follows:

1) If the vehicle has no damage or the damage is less than that defined in SDCL 32-3-51.8, the existing salvage title must be surrendered to the department. A $5 title fee and a salvage/damage disclosure statement must be completed. The department will issue a title marked as recovered theft with no damage disclosure notation pursuant to SDCL 32-3-51.8; or

2) If the vehicle is damaged equal to or greater than that defined in SDCL 32-3-51.8, the existing salvage title must be surrendered to the department. A $5 title fee and a salvage/damage disclosure statement must be completed. The department will issue a title marked as recovered theft with the damage disclosure notation pursuant to SDCL 32-3-51.8.

3) If the condition of the vehicle is such that it would have been determined a salvage vehicle as defined in SDCL 32-3-51.19 due to the damage to the vehicle, the salvage title is retained.

DAMAGE DISCLOSURE STATEMENT

A. Effective July 1, 2004, damage disclosure is required on large boats that meet the established criteria. Upon the sale, transfer, or trade-in of a motor vehicle/large boat, or if licensing a motor vehicle/large boat in South Dakota which is titled in another state or jurisdiction, the seller, transferor, trader, or person wishing to license in South Dakota the motor vehicle/large boat which is titled in another state or jurisdiction shall submit an accurately completed Damage Disclosure Statement form when applying for a certificate of title. Certificates of title issued on most vehicles after January 1, 1991, contain an area for the disclosure of this information on the assignment of title. Only damage in excess of $5,000 shall be disclosed on the title or Damage Disclosure Statement form. If the motor vehicle/large boat has incurred damages more than once, only those damages which occurred at one time would be considered in determining whether the damage exceeded $5,000 (question #2 on Damage Disclosure Statement). Any unrepaired damage in excess of $5,000 on the vehicle/large boat at the time applicant acquired the vehicle/large boat must be disclosed (question #3 on Damage Disclosure Statement).

1. No certificate of title may be issued unless the damage disclosure statement is completed on the assignment of title or a Damage Disclosure Statement form accompanies the application, unless otherwise exempted from the requirement.

2. It is a Class 1 misdemeanor to intentionally falsify any information on the Damage Disclosure Statement.

3. No person or dealer shall be liable to a subsequent owner of a vehicle/large boat because a prior owner of the vehicle/large boat failed to disclose that the vehicle had previously been damaged and repaired.

B. Completion of Damage Disclosure Statement form:

1. South Dakota titled vehicles/large boats -- information on title assignment or form shall be completed by the seller or transferor.

2. Abandoned vehicles/large boats -- information on title assignment or form shall be completed by the applicant

3. Inherited vehicles/large boats -- information on title assignment or form shall be completed by the applicant.

4. Out-of-state titled vehicles/large boats (with exception of those out-of-state vehicles taken in on trade by a South Dakota dealer) -- information on form shall be completed by the applicant.

5. Out-of-state vehicles taken in on trade by a South Dakota dealer -- information on form shall be completed by the seller or transferor.

6. Leased vehicles/large boats -- information on title assignment or form shall be completed by lessor.

C. Exemptions:

1. Motor vehicles/large boats seven (7) or more years old.

2. Motor vehicles weighing more than 16,000 pounds (shipping weight or gross vehicle weight rating).

3. Applications for rebuilt title, salvage title, or junking certificates.

4. Applications for duplicate titles, corrections of title, South Dakota title transfer in which ownership of vehicle does not change, repossessions and operations-by-law.

5. Motorcycles, trailers, and, snowmobiles.

D. Definitions of "Damage": Damage to a motor vehicle caused by fire, vandalism, collision, weather, submersion in water, or flood.

1. The dollar amount of damage to a motor vehicle/large boat required to be disclosed shall include the costs necessary to return the damaged vehicle to its predamaged condition.

a. Costs shall include: parts, labor, paint, and framework done on the damaged vehicle/large boat.

b. If the retail value has not been determined by a purchase in the ordinary course of business (example, the labor is performed by the owner of the vehicle), the retail value of the labor is the product of the repair time, as provided in a generally accepted auto body repair flat rate manual, multiplied by $35.

2. Damage does not include normal wear and tear, glass damage, mechanical repairs or electrical repairs that have not been caused by fire, vandalism, collision, weather, submersion in water, or flood.

3. Damage Disclosure Statement information is available to the public upon written request to the Division of Motor Vehicles and payment of the proper fee -- $5.

E. A dealer must place a notice on any vehicle/large boat sold or offered for sale, regardless of the vehicle's age, that has a damage disclosure, salvage title, recovered theft with damage, title or a brand that denotes damage to the vehicle on it. The notice must be printed on white NCR paper, measuring 4" x 6". The original is to be retained by the dealer and the copy is to be given to the purchaser. The information is to be printed in 12-point (minimum) Universe - bold - capital letters. **See a sample of the notice in the "Forms Section" for wording on the permit.** The notice must be posted on the inside of a side window with the front of the form facing the outside, or in the case of a large boat on the front window, so that it is clearly visible at all times on each vehicle/large boat that contains a damage disclosure, salvage title, or a brand denoting damage to the vehicle/large boat offered for sale to consumers. The dealer is responsible for keeping the notice posted at all times that a vehicle/large boat is available for sale to consumers. At the time of sale of the vehicle/large boat, the dealer shall remove the notice and shall have the purchaser sign and date it. The dealer shall retain the signed notice, along with copies of the title document, for 5 years from the date of sale.

1. If a dealer fails to display a damage disclosure notice (disclosure must be signed by the purchaser at the time of sale), the purchaser may return the motor vehicle/large boat to the dealer within 10 days after receiving the title and shall receive a full refund.

F. Certificates of title issued on motor vehicles/large boats in which damage has been disclosed shall reflect this information on the front of the title.

1. Vehicles/large boats coming into the state in which a salvage title or similar brand, or a brand denoting damage was issued by another state, on a qualifying vehicle/large boat, shall be issued a South Dakota salvage title or a title reflecting damage information.

ODOMETER STATEMENT

A. Odometer statements, complying with federal/state regulations, are required on motor vehicle transactions, unless otherwise exempted. On South Dakota certificates of title issued after January 1, 1991, the odometer disclosure statement, which complies with federal/state regulations, is contained on the assignment of the certificate of title. Required information to comply with federal/state odometer requirements:

1. Hand-printed name of buyer and seller.

2. Hand-written signature of buyer and seller.

3. Address of buyer and seller.

4. Date of sale.

5. Odometer reading.

6. Odometer indicators.

7. Complete description of vehicle.

B. Leasing companies are required to follow the same criteria, however, they must complete a federal odometer disclosure form for leased vehicles (MV-001) which directly relates to the lessor and lessee. This form is retained by the lessor.

C. Under law, the seller is required to retain a copy of the title assignment or the Odometer Statement for five years.

D. If a certificate of title on a vehicle less than 10 years old is submitted without an odometer reading, the last transferor will be required to disclose the odometer reading to the last transferee (applicant for the new title) and the odometer reading will be entered on the new title.

a. Titles and MSOs are not returned if the odometer or signature is missing. On a qualifying vehicle involving a dealer, a secure dealer reassignment form or a secure power of attorney form is required.

E. Odometer readings are required on motorcycles (same exemptions).

1. Disclosure on all new and out-of-state motorcycles.

a. Since federal regulations require an odometer statement on motorcycles in which the state previously exempted from odometer disclosure, those motorcycles in which a South Dakota title has been previously issued showing no odometer reading will be required to comply. The reading will be shown on the title.

F. Exemptions from federal/state odometer requirements:

1. Vehicle having a weight (shipping weight or gross vehicle weight rating) of more than 16,000 pounds.

2. A vehicle that is not self-propelled (trailers or mobile homes).

3. A vehicle that is ten (10) or more years old [current year (-) 10].

   a. Title applications for vehicles which are 10 years old or older and which include odometer information will be processed in the same manner as vehicles under 10 years of age unless one of the following occurs:

      1) There is a discrepancy between the odometer reading being disclosed and the previous odometer reading.

      2) The odometer reading was not previously disclosed (once there is a skip, the odometer cannot be shown on the title). In these instances, if the odometer is shown on the assignment, it will become a part of the vehicle history but will not be printed on the title.

4. A vehicle sold directly by the manufacturer to any agency of the United States in conformity with contractual specifications.

5. An MSO transfer between dealers. The federal odometer statement is not required until the first retail sale of the vehicle is made.

6. Snowmobiles.

G. Federal odometer statement forms are not provided by the Division of Motor Vehicles.

ASSIGNMENT OF CERTIFICATE OF TITLE

Source: SDCL 32-3-30, 32-3-30.1, 32-3-38, 32-3-47, 32-3-55, AND ARSD 61:02:10

A. Assignment of a certificate of title shall be made by the recorded owner or owners or by a fully appointed agent.

1. Papers of appointment (power of attorney) shall be attached to the title document when the assignment is made by an appointed agent.

2. If a title is being put in the name of a trust, the trustee(s) must be indicated on the title. [If a title is issued in the name of a trust prior to the requirement that the trustee be indicated or on an out-of-state trust in which the trustee(s) is not indicated, a copy of the trust is required upon assignment of the title.

B. Transfer of ownership shall be made by an assignment on the reverse side of the certificate of title.

C. A separate bill of sale may not be accepted in addition to or in-lieu-of a South Dakota certificate of title or a required assignment.

D. The county official shall accept for transmittal to the Division of Motor Vehicles an assigned South Dakota certificate of title on which there is one or more liens against the recorded owner only when the following occurs:

1. A certificate of title is being forwarded for the purpose of issuance of a corrected title, which will still show in the name of the recorded owner or owners.

2. A certificate of title is being forwarded for the purpose of issuance of a transfer of title when the recorded owner desires to add the name of another owner and the lien shall still show on the newly issued title. The lien may be left on the face of the document, but shall also be listed on the reverse side of the title on the line provided. Lienholders shall be certain that the lien instrument is in proper order when the ownership is changed to a joint ownership, and shall be responsible for placing the lien in the proper space on the assignment. An affidavit from the lienholder stating consent to delete a name on the title is required.

3. A title transfer with an open lien may be accepted for transfer if a properly completed order to cancel lien or Lienholder's Notice of Filing with the release section properly completed is attached to the title.

E. A South Dakota certificate of title assigned to anyone other than a licensed dealer shall not be reassigned in any manner.

1. Exception to E: On an out-of-state title, if that state permits an insurance company to reassign an out-of-state title on a motor vehicle acquired as the result of an insurance claim settlement. South Dakota titles cannot be reassigned by an insurance company.

F. Licensed dealers may reassign a title. For a title which does not have additional reassignment space on the back, the dealer must use a Uniform Disclosure Statement and Dealer Reassignment form.

1. Out-of-state licensed dealers shall have the power to reassign a South Dakota certificate of title.

2. An assignment shall be properly signed, by the recorded owner or owners.

3. A South Dakota driver's license or social security number must be recorded for each purchaser. In the case of a company, the FEIN is required. If the company is a sole proprietorship, the owner's social security number or South Dakota driver's license number may be used.

4. No certificate of title shall be held or accepted, unless a proper assignment has been completed.

G. For all South Dakota titles issued prior to January 1, 1991, a separate odometer statement which complies with state/federal regulations and a damage disclosure statement, when applicable, must be completed before transfer can be made.

1. For out-of-state titles which do not contain an odometer disclosure section complying with state/federal regulations or a damage disclosure statement, and which are not exempted from the requirement, an odometer statement and damage disclosure statement must be completed and attached to the title.

2. A licensed dealer transferring ownership on a motor vehicle previously licensed and titled in South Dakota and which does not contain an area for the disclosure of this information on the assignment of title, should attach to the title paperwork a separate damage disclosure statement form and an odometer statement that complies with the state/federal odometer regulations or a copy of the South Dakota Automobile/manufactured Dealers Association purchase order form which contains a complying odometer statement.

H. Each certificate of title issued by the Division of Motor Vehicles for a vehicle, which is not exempted from the requirement, shall contain odometer disclosure and damage disclosure information.

1. Upon the sale or trade-in of a motor vehicle, the owner or seller shall accurately complete an odometer disclosure statement and damage disclosure statement, if applicable and if the information is not contained on the assignment of the certificate of title, before surrendering or transferring the title.

2. It is a Class 1 misdemeanor to falsify the information on the damage disclosure and a Class 6 felony to falsify information on the odometer disclosure.

3. The division may refuse to transfer or issue a title if the owner or seller does not complete the information.

I. Odometer disclosure information and damage disclosure information are not required for the following vehicles:

1. Odometer: A vehicle that is ten (10) more years old. Damage Disclosure Statement: A vehicle that is seven (7) or more years old.

2. A vehicle with a gross vehicle weight rating of more than 16,000 pounds.

3. Snowmobiles, manufactured homes, and trailers.

4. Boats are exempt from odometer disclosure, but fall under damage disclosure.

5. Motorcycles are exempt from the damage disclosure requirement, but under federal regulation, must comply with the odometer disclosure requirements.

TAX EXEMPT VEHICLES

A. Transfer of ownership on a vehicle with a South Dakota certificate of title that qualifies for an exemption from the 3% excise tax.

1. The South Dakota certificate of title covering the exempt vehicle must be attached.

2. An MV-609 (South Dakota Exemptions) form.

3. A properly completed Damage Disclosure Statement form must be attached to the application, if applicable and if damage disclosure information is not contained on the assignment of the certificate of title.

4. A title fee must also be submitted.

TITLE ONLY -- NO TAX PAID

In limited situations, obtaining a title without payment of motor vehicle excise tax is allowed.

The title only tax exemption is intended for vehicles with special circumstances. These vehicles will not operate on the streets and highways or waterways of this state or any state and must be hauled or transported to their destination and not driven over the roadways. The title only tax exemption must be requested within 30 days of the date of purchase and prior to a title being issued.

In situations where title only is granted, various taxes such as sales tax, use tax and municipal taxes may be applicable based on the provisions in those tax laws. Proof of payment of applicable taxes, such as bill of sale, should be submitted to the County Treasurer along with the motor vehicle title application for the title only tax exemption.

When a vehicle qualifies for the title only tax exemption, the vehicle may not be registered and license plates are not issued. If the vehicle is later registered and plated so it may operate on streets and highways or waterways, the motor vehicle excise tax must be paid at that time. If the vehicle is currently titled and assigned license plates, the plates must be surrendered to the County Treasurer Office upon application for the title only tax exemption.

Vehicles eligible for the title only tax exemption include:

- Racing vehicles that are not street legal and will only be driven on race tracks;
- A newly purchased vehicle wrecked prior to titling of the vehicle that will be turned over to the insurance company or otherwise disposed of and not used on the roadways;
- Abandon vehicles towed by a removal agency as outlined in law;
- Vehicles obtained legally through a Mechanic's Lien or Unpaid Repair Bill.

Any person applying for the title only tax exemption must complete the motor vehicle application for title (MV 608) or boat title and registration application (MV 607) and South Dakota exemption form (MV 609) attesting that the vehicle qualifies for the title only tax exemption as outlined in this policy statement.

For policy clarification purposes, the following are exclusions from this policy:

- Travel trailers and campers are not eligible for the title only tax exemption. These vehicles are titled and are intended to be mobile and use the roads and highways to reach their destination regardless of whether the location is temporary or permanent.
- Off road vehicles used on privately owned property or farm use. These vehicles are titled but are not required to be licensed unless they will be used on public roads.
- Certain equipment is intended for specialized use and is not eligible to be titled (and therefore not eligible for the title only tax exemption). Examples include:
  - Farm equipment or implements of husbandry such as: hay grinders, feed mixers, etc.
  - Towing vehicles or auxiliary axles such as: tow dolly, flipaxle, jeep, jeep booster, etc.
  - Specialized mobile equipment such as: log splitters, air compressors barbeque pits, etc., which are not designed to haul ancillary items.

(Revised 11/01/2014)

TITLE TRANSFER ON USED VEHICLE BY A LICENSED DEALER

A. A licensed motor vehicle dealer may license a used motor vehicle which is part of his inventory. If the dealer licenses the motor vehicle, he shall title the motor vehicle, but is exempt from payment of the motor vehicle excise tax. A subsequent purchaser shall pay the excise tax. A licensed dealer may title a used motor vehicle which is part of his inventory. If the dealer titles the vehicle, he is not required to license the vehicle, but may do so if he chooses.

B. The tax code for this type of transaction is "42".

C. This does not apply to new vehicles or motor vehicles required to be titled pursuant to 32-5-27.

TRANSFER OF SOUTH DAKOTA TITLE WITH TAX DUE

A. Application for a South Dakota motor vehicle title (MV-608).

1. Every owner of a motor vehicle that is operated or driven upon the public highways of this state shall present to the county treasurer of his county an application for the registration of that vehicle. The application must be filed in the county of the new applicant's residence, in accordance with an Attorney General's opinion and state statute.

2. Any person who intentionally falsifies information required on the application or provides erroneous information is guilty of a Class 6 felony.

3. The division may not accept an incomplete application form or an application form, which the division considers erroneous.

4. The application must be signed by the record owner(s) or by an authorized agent for the record owner(s). If the application is signed by an authorized agent, a power of attorney document must be attached to verify the appointment.

B. Assigned certificate of title made by recorded owner or owners or by a fully appointed agent.

1. Papers of appointment (power of attorney, papers of personal representation, etc.) shall be attached to the title document when the assignment is made by an appointed agent.

C. Transfer of ownership shall be made by an assignment on the reverse side of the certificate of title.

1. All liens on the face of the title should be properly canceled by any county treasurer.

2. The county treasurer may accept for transfer a title with an open lien provided an order to cancel lien or a Lienholder's Notice of Filing, with the lien release section properly completed, is attached.

3. All liens on the back of the title must be noted on the application for title (MV-608).

D. The South Dakota driver's license or social security number of each purchaser must be provided. In the case of a company, the FEIN is required. If the company is a sole proprietorship, the owner’s social security number or South Dakota driver’s license number may be used.

E. If the vehicle was purchased out-of-state, a bill of sale, purchase agreement or sales contract must be attached. If the Dealer Price Certification on the application for title (MV-608) is not complete and the applicant purchased the vehicle from a South Dakota dealer, a purchase agreement must be attached.

F. Purchase price on a South Dakota titled vehicle purchased from a dealer is the total consideration, which includes cash down payments, rebates, money, and other items that may be given in consideration of the vehicle.

G. Purchase price on a South Dakota titled vehicle that is purchased from an individual is based on bill of sale price. (If bill of sale is not available, tax is based on NADA book value.) If there is a trade-in, purchase price is based on the purchase price of the vehicle after the trade-in allowance is deducted. The credit or trade-in value of any damaged motor vehicle may include the value of any check from an insurance company that is intended to cover the damage of the vehicle. For example: a 1970 Chevrolet plus $2,000 is traded for a 1979 Chevrolet. Three percent tax is assessed on $2,000. (If bill of sale is not available, tax is based on NADA book value of the vehicle purchased minus NADA book value of

vehicle traded in and taxed on the remainder.) If a bill of sale cannot be furnished a statement by the applicant indicating such is required, or the area indicating such on the MV-608 must be checked.

H. Purchase price on a vehicle title that has been titled in an applicant's name in another state in which tax was not paid by the applicant shall be based on the retail value of the motor vehicle listed in the National Automobile Dealers' Used Car Guide (NADA.

I. Payment of the correct amount of 3% excise tax, title fee, and penalty fee if needed, and any license fees as may be required must be collected. Failure to pay the full amount of excise tax is a Class 1 misdemeanor.

J. A properly completed Damage Disclosure Statement form must be attached, if applicable and if damage disclosure information is not contained on the assignment of the certificate of title.

K. All the above-indicated forms, properly completed, must be received by the county treasurer of residence for submission to the Invoice Section of the Division of Motor Vehicles.

TITLE ON NEW VEHICLE WITH NO TRADE-IN

A. Application for a South Dakota Motor Vehicle Title (MV-608).

1. Every owner of a motor vehicle that is operated or driven upon the public highways of this state shall present to the county treasurer of his county an application for the registration of that vehicle. The application must be filed in the county of the new applicant's residence, in accordance with an Attorney General's opinion and state statute.

2. Any person who intentionally falsifies information required on the application or provides erroneous information is guilty of a Class 6 felony.

3. The division will not accept an incomplete application form or an application form, which the division considers erroneous.

4. The application must be signed by the record owner(s) or by an authorized agent for the record owner(s). If the application is signed by an authorized agent, a power of attorney document must be attached to verify the appointment.

B. A manufacturer's statement of origin (MSO) or manufacturer's certificate of origin (MCO), properly transferred to the applicant, must be attached.

C. The South Dakota driver's license or social security number of each purchaser must be given. In the case of a company, the FEIN is required. If the company is a sole proprietorship, the owner's South Dakota driver's license number or social security number may be used.

D. If the vehicle was purchased out-of-state, a bill of sale, purchase order or sales contract must be attached. If the dealer price certification on the application for title (MV-608) is not complete and the applicant purchased the vehicle from a South Dakota dealer, a purchase order must be attached.

1. Purchase price on a new vehicle with no trade-in is the total consideration whether received in money or otherwise.

a. Total consideration must include cash down payments, cash rebates, money and any other item given in consideration of the vehicle.

b. Discounts are allowed, but a purchase agreement is required to substantiate the discount.

E. Payment of the correct amount of 3% excise tax, a title fee, and any license fees as may be required must be collected. Failure to pay the full amount of excise tax is a Class 1 misdemeanor.

F. A properly completed Damage Disclosure Statement form must be attached.

G. All the above-indicated forms, properly completed, must be received by the county treasurer of residence for submission to the Invoice Section of the Division of Motor Vehicles.

TITLE ON NEW VEHICLE WITH TRADE-IN

A. Application for a South Dakota Motor Vehicle Title (MV-608).

1. Every owner of a motor vehicle that is operated or driven upon the public highways of this state shall present to the county treasurer of his county an application for the registration of that vehicle. The application must be filed in the county of the new applicant's residence, in accordance with an Attorney General's opinion and state statute.

2. Any person who intentionally falsifies information required on the application or provides erroneous information is guilty of a Class 6 felony.

3. The division may not accept an incomplete application form or an application form, which the division considers erroneous.

4. The application must be signed by the record owner(s) or by an authorized agent for the record owner(s). If the application is signed by an authorized agent, a power of attorney document must be attached to verify the appointment.

B. A manufacturer's statement of origin (MSO) or manufacturer's certificate of origin (MCO), properly transferred to the applicant, must be attached.

C. The South Dakota driver's license or social security number of each purchaser must be given. In the case of a company, the FEIN is required. If the company is a sole proprietorship, the owner’s South Dakota driver’s license number or social security number may be used.

D. If the vehicle was purchased out-of-state, a bill of sale, purchase order, or sales contract must be attached. If the dealer price certification on the application for title (MV-608) is not complete and the applicant purchased the vehicle from a South Dakota dealer, a purchase order must be attached.

1. Purchase price on a new vehicle with a trade-in is the total consideration, whether received in money or otherwise minus the trade-in value allowed by the seller.

a. A motor vehicle being used as a trade-in must be in the applicant's name, except for leased vehicles (see leased vehicle section).

b. Total consideration must include cash down payments, cash rebates and money, and any other item that may be given in consideration of the vehicle.

c. Discounts are allowed, but a purchase agreement is required to substantiate the discount.

d. The credit or trade-in value of any damaged vehicle may include the value of any check from an insurance company that is intended to cover the damages to the motor vehicle.

E. Payment of the correct amount of 3% excise tax, a title fee, and any license fees as may be required must be collected. Failure to pay the full amount of excise tax is a Class I misdemeanor.

F. A properly completed Damage Disclosure Statement form must be attached.

G. All the above-indicated forms, properly completed, must be received by the county treasurer for submission to the Invoice Section of the Division of Motor Vehicles.

TITLE ON USED VEHICLE WITH NO TRADE-IN
BY ANY PERSON OTHER THAN A SOUTH DAKOTA DEALER

A. Application for a title on a used motor vehicle sold or transferred by any person other than a South Dakota motor vehicle dealer.

1. Every owner of a motor vehicle that is operated or driven upon the public highways of this state shall present to the county treasurer of his county an application for the registration of that vehicle. The application must be filed in the county of the new applicant's residence, in accordance with an Attorney General's opinion and state statute.

2. Any person who intentionally falsifies information required on the application or provides erroneous information is guilty of a Class 6 felony.

3. The division will not accept an incomplete application form or an application form, which the division considers erroneous.

4. The application must be signed by the record owner(s) or by an authorized agent for the record owner(s). If the application is signed by an authorized agent, a power of attorney document must be attached to verify the appointment.

B. Certificate of title properly transferred to the applicant must be attached.

C. The South Dakota driver's license or social security number of each purchaser must be given. In the case of a company, the FEIN is required. If the company is a sole proprietorship, the owner's South Dakota driver's license number or social security number may be used.

D. The purchase price shall be the total consideration received in money or otherwise.

1. The seller of the motor vehicle shall provide the purchaser with a bill of sale. The bill of sale should contain the following information:

a. A complete description of the vehicle (make, model, serial number).

b. Selling price of the vehicle.

c. Date of sale.

d. Purchaser information (name and address).

e. The bill of sale must be signed by the seller.

2. If a bill of sale cannot be furnished, the excise tax will be assessed on the retail value as stated in a nationally recognized dealer's guide as approved by the Secretary of Revenue. A statement by the purchaser indicating that a bill of sale cannot be obtained must be attached, or the area indicating such on the MV-608 must be checked.

E. Payment of the correct amount of 3% excise tax, a title fee, and any license fees as may be required must be collected. Failure to pay the full amount of excise tax is a Class 1 misdemeanor.

F. A properly completed Damage Disclosure Statement form must be attached, if applicable and if damage disclosure information is not contained on the assignment of the certificate of title.

G. All the above-indicated forms, properly completed, must be received by the county treasurer for submission to the Invoice Section of the Division of Motor Vehicles.

TITLE ON USED VEHICLE WITH NO TRADE-IN

A. Application for a title on a used motor vehicle purchased from a licensed motor vehicle dealer.

1. Every owner of a motor vehicle that is operated or driven upon the public highways of this state shall present to the county treasurer of his county an application for the registration of that vehicle. The application must be filed in the county of the new applicant's residence, in accordance with an Attorney General's opinion and state statute.

2. Any person who intentionally falsifies information required on the application or provides erroneous information, is guilty of a Class 6 felony.

3. The division will not accept an incomplete application form or an application form, which the division considers erroneous.

4. The application must be signed by the record owner(s) or by an authorized agent for the record owner(s). If the application is signed by an authorized agent, a power of attorney document must be attached to verify the appointment.

B. Certificate of title properly transferred, to the applicant must be attached.

C. The South Dakota driver's license or social security number of each purchaser must be given. In the case of a company, the FEIN is required. If the company is a sole proprietorship, the owner's South Dakota driver's license number or social security number may be used.

D. A purchase order, sales contract or a bill of sale must be attached, if the dealer price certification on the application (MV-608) is not complete.

1. The purchase price for a used motor vehicle sold by a licensed motor vehicle dealer with no trade-in is the total consideration, whether received in money or otherwise.

a. Total consideration must include cash down payments, rebates, money and any other item that may be given in consideration of the vehicle.

b. Discounts are allowed, but a purchase agreement is required to substantiate the discount.

E. Payment of the correct amount of 3% excise tax, a title fee, and any license fees as may be required must be collected. Failure to pay the full amount of excise tax is a Class 1 misdemeanor.

F. A properly completed Damage Disclosure Statement form must be attached, if applicable and if damage disclosure information is not contained on the assignment of the certificate of title.

G. All the above-indicated forms, properly completed, must be received by the country treasurer for submission to the Invoice Section of the Division of Motor Vehicles.

TITLE ON USED VEHICLE WITH TRADE-IN

A. Application for a title on a used motor vehicle purchased from a licensed motor vehicle dealer.

1. Every owner of a motor vehicle that is operated or driven upon the public highways of this state shall present to the county treasurer of his county an application for the registration of that vehicle. The application must be filed in the county of the new applicant's residence, in accordance with an Attorney General's opinion and state statute.

2. Any person who intentionally falsifies information required on the application or provides erroneous information is guilty of a Class 6 felony.

3. The division will not accept an incomplete application form or an application form, which the division considers erroneous.

4. The application must be signed by the record owner(s) or by an authorized agent for the record owner(s). If the application is signed by an authorized agent, a power of attorney document must be attached to verify the appointment.

B. Certificate of title properly transferred to the applicant must be attached.

C. The South Dakota driver's license or social security number of each purchaser must be given. In the case of a company, the FEIN is required. If the company is a sole proprietorship, the owner's South Dakota driver's license number or social security number may be used.

D. A purchase order, sales contract or a bill of sale must be attached, if the dealer price certification on the application is not complete.

1. The purchase price for a used motor vehicle sold by a licensed motor vehicle dealer is the total consideration, whether received in money or otherwise, minus the credit or trade-in value allowed by the dealer so that the net consideration is established.

a. The motor vehicle being traded in must be in the applicant's name, except for leased vehicles (see leased vehicle section).

b. Net consideration must include cash down payments, rebate, money and any other item that may be given in consideration of the vehicle.

c. Cash discounts are allowed, but a purchase agreement is required to substantiate the discount.

d. The credit or trade-in value of any damaged vehicle may include the value of any check from an insurance company that is intended to cover the damages to the motor vehicle.

E. Payment of the correct amount of 3% excise tax, a title fee, and any license fees as may be required must be collected. Failure to pay the full amount of excise tax is a Class 1 misdemeanor.

F. A properly completed Damage Disclosure Statement form must be attached, if applicable and if damage disclosure information is not contained on the assignment of the certificate of title.

G. All the above-indicated forms, properly completed, must be received by the county treasurer for submission to the Invoice Section of the Division of Motor Vehicles.

TITLE ON USED VEHICLE WITH TRADE-IN
BY ANY PERSON OTHER THAN A SOUTH DAKOTA DEALER

A. Application for a title on a used motor vehicle sold or transferred by any person other than a South Dakota motor vehicle dealer.

1. Every owner of a motor vehicle that is operated or driven upon the public highways of this state shall present to the county treasurer of his county, an application for the registration of that vehicle. The application must be filed in the county of the new applicant's residence, in accordance with an Attorney General's opinion and state statute.

2. Any person who intentionally falsifies information required on the application or provides erroneous information is guilty of a Class 6 felony.

3. The division will not accept an incomplete application form or an application form, which the division considers erroneous.

4. The application must be signed by the record owner(s) or by an authorized agent for the record owner(s). If the application is signed by an authorized agent, a power of attorney document must be attached to verify the appointment.

B. Certificate of title properly transferred to the applicant must be attached.

C. The South Dakota driver's license or social security number of each purchaser must be given. In the case of a company, the FEIN is required. If the company is a sole proprietorship, the owner's South Dakota driver's license number or social security number may be used.

D. The purchase price, when there is a trade-in is the total consideration given for the vehicle minus the trade-in allowance. (If a bill of sale is not available, tax is based on NADA book value.) For example: a 1970 Chevrolet plus $2,000 is traded for a 1979 Chevrolet. Three percent tax is assessed on $2,000. (If a bill of sale is not available, tax is based on NADA book value of vehicle purchased minus NADA book value of vehicle traded in and taxed on the remainder.) If a bill of sale cannot be obtained, a statement indicating such must be attached, or the area on the MV-608 indicating such must be checked.

1. A motor vehicle used as a trade-in must have been titled in the applicant's name. For leases, see Leased Vehicle Section.

2. The credit or trade-in value of any damaged vehicle may include the value of any check from an insurance company which is intended to cover the damages of the motor vehicle.

E. Payment of the correct amount of 3% excise tax, a title fee, and any license fees as may be required must be collected. Failure to pay the full amount of excise tax is a Class 1 misdemeanor.

F. A properly completed Damage Disclosure Statement form must be attached, if applicable and if damage disclosure information is not contained on the assignment of the certificate of title.

G. All the above-indicated forms, properly completed, must be received by the county treasurer for submission to the Invoice Section of the Division of Motor Vehicles.

NEW OR USED VEHICLE PURCHASED OUTSIDE THE UNITED STATES

A. The following documentation is required prior to issuance of a South Dakota title for an imported vehicle (sample forms can be found in the Forms Section):

1. Bill of sale and the foreign registration and/or the MSO or title. (On a new Canadian manufactured vehicle, a "New Vehicle Information Statement" [NVIS] is the Canadian MSO.)

2. IMPORT FORM – US DEPARTMENT OF HOMELAND SECURITY, BUREAU OF CUSTOMS AND BORDER PROTECTION, ENTRY IMMEDIATE DELIVERY DOCUMENT. Form 7501. Military may use a DD1252 or DD1854 in lieu of Form 7501 (2/10/09).

3. EPA FORM 3520.

4. US DOT FORM HS-7. (You only need this if the vehicle does not meet the US EPA standards and you do not have the EPA form 3520.)

5. BOND Release letter from NHTSA. (You only need this if the vehicle does not meet the US EPA standards and you do not have the EPA form 3520.)

6. Canadian vehicles: Vehicle must have a Lien Quest form or other documentation verifying lien status. (This can be obtained by contacting either www.lienquest.com or www.carproof.com.) Not required on MSO vehicle.

7. English translation is required if documents are in a foreign language.

8. The 3% excise tax is assessed on the purchase price of the vehicle if new, or on NADA book value if not new.

9. A nonconforming vehicle may be admitted into the United States under a bond imposed by customs at the port of entry, provided it will be brought into conformity within 180 days after importation into the United States. The bond must be submitted. Monitorization to assure conformity is met is the responsibility of customs. The bond is three times the value of the vehicle. Such vehicles may be titled and licensed in South Dakota if under bond, and it is the applicant's responsibility to fulfill the bond obligations.

   a. All of the above-indicated forms are required, with the exception of #3-EPA form. The bond is in-lieu-of the EPA form.

10. A properly completed Damage Disclosure Statement form, if applicable, must be attached.

11. Application for title (MV-608).

12. The South Dakota driver's license or social security number of each purchaser must be given. In the case of a company, the FEIN is required. If the company is a sole proprietorship, the owner's South Dakota driver's license number or social security number may be used.

   a) A matricula consular card or substantially similar document issued by the Mexican Consulate as proof of identification for any purpose is unacceptable (SDCL 1-1-26).

13. A trailer and a boat require the following documentation: Custom Declaration Form, bill of sale, and a registration or other ownership document.

B. Any vehicle purchased in another country by a United States resident or a member of the armed forces with the intent to ship into the United States must meet standards under the Motor Vehicle Safety Act of 1966 and air pollution control standards under the Clean Air Act of 1968.

1. An EPA form is only required on the following vehicles:

a. 1968 or later model year light-duty, gasoline fuel automobiles and trucks.

b. 1975 or later model year light duty, diesel fueled automobiles and trucks.

c. 1976 and later model year catalyst equipped vehicles manufactured in conformity with federal emission standards, but which have been driven outside of the United States.

d. Motorcycles manufactured after February 1, 1972.

e. Heavy duty engines manufactured after January 1, 1970, to be used in heavy duty trucks and motorhomes.

C. If an imported vehicle has been previously titled and registered in the United States, a US custom form is required, but an EPA form is not required.

D. The Secretary of Revenue may fix the carrying capacity and weight of any foreign vehicle for which a record of the carrying capacity or weight is not available in his office.

E. Questions concerning the validity of documentation may be referred to the Division of Motor Vehicles. The division will refer to the R. L. Polk Foreign Title Manual to determine the authenticity of such documents.

TITLE ON NEW OR USED VEHICLE ACQUIRED BY GIFT
(UNLESS TRANSFER IS IN ACCORDANCE WITH EXEMPTION #4)

A. Application for a title on a new or used motor vehicle acquired by gift or other transfer for no or nominal consideration, unless transfer is being made in accordance with Exemption #4 (vehicle transferred without consideration between spouses, between a parent and child and between siblings).

1. Every owner of a motor vehicle that is operated or driven upon the public highways of this state shall present to the county treasurer of his county an application for the registration of that vehicle. The application must be filed in the county of the new applicant's residence, in accordance with an Attorney General's opinion and state statute.

2. Any person who intentionally falsifies information required on the application or provides erroneous information is guilty of a Class 6 felony.

3. The division will not accept an incomplete application form or an application form, which the division considers erroneous.

4. The application must be signed by the record owner(s) or by an authorized agent for the record owner(s). If the application is signed by an authorized agent, a power of attorney document must be attached to verify the appointment.

B. Ownership document:

1. New vehicle will be required to have manufacturer's statement of origin (MSO) or manufacturer's certificate of origin (MCO) properly transferred to the applicant.

2. Used vehicle will be required to have a certificate of title properly transferred to the applicant.

3. The South Dakota driver's license or social security number of each purchaser must be given. In the case of a company, the FEIN is required. If the company is a sole proprietorship, the owner’s social security number or South Dakota driver’s license number may be used.

C. Purchase price:

1. Purchase price for a new motor vehicle shall be the manufacturer's suggested dealer list price. Federal Price Label must be attached.

2. Purchase price for a used motor vehicle shall be the retail value as stated in the NADA Official Used Car Guide.

D. Payment of the correct amount of 3% excise tax, a, title fee, and any license fees as may be required must be collected. Failure to pay the full amount of excise tax is a Class 1 misdemeanor.

E. A properly completed Damage Disclosure Statement form must be attached, if applicable and if damage disclosure information is not contained on the assignment of the certificate of title.

F. All the above-indicated forms, properly completed, are to be received by the county treasurer for submission to the Invoice Section of the Division of Motor Vehicles.

TITLE APPLICATION REQUIREMENTS FOR A VEHICLE PREVIOUSLY TITLED AND LICENSED IN ANOTHER STATE

A. Application for a South Dakota motor vehicle title (MV-608).

1. The application must be filed in the county of the new applicant's residence.

2. Any person who intentionally falsifies information required on the application or provides erroneous information is guilty of a Class 6 felony.

3. The application must be signed by the record owner(s) or by an authorized agent for the record owner(s). If the application is signed by an authorized agent, a power of attorney document must be attached to verify the appointment.

B. Application for title must be accompanied by a certificate of title.

1. When the out-of-state certificate of title does not have a space provided for dealer reassignment, a South Dakota Dealer Reassignment form (SDADA) may be used.

2. The South Dakota driver's license or social security number of each purchaser must be given. In the case of a company, the FEIN is required. If the company is a sole proprietorship, the owner's South Dakota driver's license number or social security number may be used.

C. A purchase order, sales contract or bill of sale must be attached if the dealer price certification on the application (MV-608) is not completed.

1. It is important that the dealer's signature is on the original copy of the application.

D. If the vehicle has been subjected previously to a sales tax, use tax, or motor vehicle excise tax by any other state or its political subdivision, and the tax paid in the other state by the applicant is equal to or greater than the percent owed to this state, no additional tax is due. A tax code "99" is used.

1. Title in the applicant's name or a state tax receipt is sufficient proof; however, if application is made within 6 months or less from when the out-of-state title was issued, the applicant must submit proof of payment of tax either in the form of a tax receipt or a completed "Applicant's Tax Payment Verification" form (MV/2007).

2. If vehicle is purchased from out-of-state dealer who collected tax, the dealer must complete a "Verification of Tax Assessment" form and provide sufficient other documentation (purchase order) to substantiate the tax collection.

a. States that assess less tax than South Dakota: Alabama-2%; Alaska-0%; Montana-0%; New Hampshire-0%; Oregon-0%; South Carolina-5% or $300 (whichever is less). In some states, tax rates vary. If proof of payment of a like or similar tax (equal or greater amount) is furnished, reciprocity (or credit for tax paid) may be granted.

2. If sufficient proof is not furnished, the county treasurer shall collect the tax on the retail value of the motor vehicle listed in the National Automobile Dealers' Used Car Guide (NADA). The value shall be the retail value of the vehicle on the day it entered the state.

E. Payment of the correct amount of 3% excise tax, a title fee, and any license fees as may be required must be collected. Failure to pay the full amount of excise tax is a Class 1 misdemeanor.

F. An out-of-state certificate of title reassigned by a South Dakota licensed dealer, accompanied by a Form 39 showing such unit as a trade-in, may be accepted with an application for title.

G. A properly completed Damage Disclosure Statement form, if applicable, must be attached.

H. All of the above-indicated forms, properly completed, are to be received by the county treasurer for submission to the Invoice Section of the Division of Motor Vehicles.

OUT-OF-STATE VEHICLES PURCHASED OUTRIGHT FOR SALE OR RESALE AND NOT TAKEN AS TRADE-INS

A. A licensed dealer is required to title (has option to license) any motor vehicle brought into South Dakota for the purpose of sale or resale, within 30 days from the purchase date or date of entry of the vehicle into the state.

B. Exemptions:

1. A trade-in.

2. A vehicles that is brought into the state for sale to another dealer. The dealer that ultimately purchases the vehicle for retail sale is required to title the vehicle within 30 days from the purchase date.

3. A used motor vehicle with a gross vehicle weight rating of over 26,000 pounds.

4. A used semitrailer with a manufacturer's shipping weight of 9,000 pounds or more.

C. Application shall be made to the county treasurer of the dealer's county of residence.

1. Applicant must complete an Application for a South Dakota Motor Vehicle Title (MV-608).

2. Any person who intentionally falsifies information required on the application or provides erroneous information is guilty of a Class 6 felony.

3. The division will not accept an incomplete application or an application form, which the division considers erroneous.

4. The application must be signed by the record owner(s) or by an authorized agent for the record owner(s). If the application is signed by an authorized agent, a power of attorney document must be attached to verify the appointment.

5. A properly completed Damage Disclosure Statement form, if applicable, must be attached.

6. The South Dakota driver's license or social security number of each purchaser must be given. In the case of a company, the FEIN is required. If the company is a sole proprietorship, the owner’s South Dakota driver’s license number or social security number may be used.

D. A certificate of title, properly transferred to the applicant, must be attached.

E. Payment of a title fee and if dealer is opting to license, any license fees, shall be collected.

INTERSTATE TITLE RECORD

A. The interstate title record is a temporary arrangement in South Dakota used by a person who desires to obtain South Dakota license plates, but due to the fact that his stay within South Dakota is for a short time, the applicant desires to retain his certificate of title or ownership certificate issued by his home state.

1. The following are the valid reasons for obtaining an Interstate title record:

   1. Applicant is in state on a temporary basis.
   2. Commercial vehicle titled out-of-state, but on lease to a South Dakota based motor carrier.

   3. Military personnel temporarily stationed at a military base located within South Dakota.

   4. South Dakota resident whose vehicle/boat is mortgaged by an out-of-state based financial service (mortgagor), not applicable if out-of-state title is electronic (ELT).

2. No special license plates (military, personalized, etc.) can be issued on an interstate title record.

B. In order to obtain an interstate title in South Dakota, one of the four qualifications stated above must be met.

1. On reasons 1 through 3, an applicant can have an out-of-state driver's license and obtain an interstate.

2. On reason 4, an applicant, who is attesting to be a South Dakota resident, must possess a SD driver's license. If the applicant (South Dakota resident) does not have a South Dakota driver's license, the out-of-state title must be surrendered and a South Dakota title obtained. Note: If a current registration is submitted that indicates the title is ELT in another state, write for the title; if, however, it is not indicated anywhere on the paperwork that it is an ELT title in another state, DO NOT run a teletype.

C. A nonresident without a temporary SD residence (a PMB or mail forwarding service address cannot be used in lieu of a SD address) does not qualify for an interstate title record (exception: ATV registration -- An interstate title record can be issued to a nonresident (with no temporary SD. address) on an ATV that is titled in another state. The interstate affidavit form, a copy of the out-of-state title or current out-of-state registration, an application, and applicable fee ($5 interstate title record fee) are submitted to a county treasurer. The applicant(s) must provide his/her Social Security number and an out-of-state driver license (copy submitted with the application). The SD interstate title record must be issued in the same name as the out-of-state title/registration.

1. An interstate title record, under most circumstances, will not be issued on an out-of-country application. An Exception: If a vehicle is in the state on a temporary basis for more than 90 days, registration is required under our residency requirements. However, if the vehicle does not meet EPA standards, in which case a title cannot be issued, an interstate title record can be issued. The applicant must sign an affidavit attesting that the vehicle will not be sold or traded until a regular title is obtained.

2. The territories of Guam and Puerto Rico are recognized as states for purposes of obtaining an interstate title record and receiving reciprocity for payment of tax.

4. Military ownership is accepted, if the ownership document does not indicate "nontransferable".

5. An applicant for an interstate title record must have a SD address when claiming temporary residence. A PMB or mail forwarding service address cannot be used in lieu of a SD address.

B. Application for interstate title record may not be accepted by a county treasurer, unless the applicant has furnished the following:

1. A copy of the current out-of-state registration or a copy of the certificate of title in the applicant's name.

2. Application for title (MV-608) properly completed and signed, along with an interstate affidavit (MV-215).

a. The South Dakota driver's license or social security number of each purchaser must be given. In the case of a company, the FEIN is required. If the company is a sole proprietorship, the owner's South Dakota driver's license number or social security number may be used.

C. The county treasurer shall review the out-of-state title (may be a copy) or the out-of-state registration card to ascertain that all information shown on the application is correct. A photocopy of the out-of-state registration or title must be submitted with the interstate affidavit to the Division of Motor Vehicles. After reviewing the document, the county treasurer will return same to the applicant.

D. Application is subject to the same title and registration fees, as for a regular registration. Reciprocity and credit shall be given to the applicant if a similar and equal (or more) amount of 3% excise tax has been paid in former state.

E. If the applicant CANNOT furnish a receipt or other tangible evidence (title in applicant's name from a state that charges a greater or equal amount of tax is sufficient; however if the application is made within 6 months or less from the date of issuance of the out-of-state title, a state tax receipt or a Tax Payment Verification form (MV/2007) is required indicating that a similar and equal amount of tax has been paid), collection of the full amount of the 3% excise tax at the time of titling is required.

1. States that assess less tax than South Dakota: Alabama-2%; Alaska-0%; Montana-0%; New Hampshire-0%; Oregon-0%; South Carolina-5% or $300 (whichever is less). In some states, tax rates vary. If proof of payment of a like or similar tax (equal or greater amount) is furnished, reciprocity (or credit for tax paid) may be granted.

F. The county treasurer may issue license plates and registration card upon completion of the proper papers.

1. No secondary plates may be issued.

G. In case of any question, the county treasurer shall obtain the approval of the Division of Motor Vehicles for such a registration before accepting application and issuing license plates.

H. No certificate of title or similar document is issued. The title record is designated as an "interstate" title record. The record is valid only for issuance of license plates in South Dakota.

I. The interstate title record is valid as long as title ownership remains the same.

J. When a regular South Dakota certificate of title is desired for a vehicle now covered by a South Dakota interstate title record, the valid foreign ownership document, an application for title, a Damage Disclosure Statement form, if applicable, and a title fee are to be invoiced to the Division of Motor Vehicles.

TITLING LEASED/RENTED MOTOR VEHICLES

A. Definitions:

1. "Leased vehicle," A motor vehicle titled in the name of a leasing company or the individual leasing the motor vehicle, which is leased for a period of more than 28 days.

2. "Rental vehicle," A motor vehicle titled in the name of a rental company licensed under 10-45 (sales tax license) which is rented for 28 days or less; or a trailer which is titled in the name of a rental company licensed under chapter 10-45 (sales tax license) and that has an unladen weight of 9,000 pounds or more, that is rented for 6 months or less and that is not consecutively rented to the same person for more than one 6-month period.

B. **CLOSED LEASE (TERMS OF THE LEASE ARE KNOWN AT THE TIME THE CONTRACT IS EXECUTED). Vehicles with a gross vehicle weight rating of less than 16,000 pounds and fertilizer vehicles, leased for more than 28 days. (Effective July 1, 2006, motorcycles are included in the lease law.)**

1. The lessor must title and license the vehicle. In the case of a leasing company within a dealership, the leasing company name must be separate and distinct from that of the dealership.

2. The lessor and the lessee's name must appear on the title.

3. Under plate with owner, either the lessor or the lessee is the owner of the plates and upon sale or transfer of the vehicle can remove the plates, which can then be attached to a newly acquired vehicle upon title and registration of the newly acquired vehicle through the county treasurer.

   a. The South Dakota driver's license or social security number of each lessee must be given. If the lessee is a company, the FEIN is required. If the company is a sole proprietorship, the lessee’s South Dakota driver’s license number or social security number may be used. The FEIN of the lessor is required.

4. The lessor or the lessee must pay the 3% excise tax on the purchase price of the vehicle (purchase price as defined in 3a).

   a. Purchase price on a leased vehicle that is a closed lease (terms of the lease are known at the time the contract is executed) is the total consideration whether received in money or otherwise. Total consideration is: all lease payments, including cash, rebates, the net trade-in, extended warranties, administrative fees, acquisition fees, or any other fees assessed on the purchase of the vehicle. Total consideration does not include: title fees, registration fees, vehicle excise tax, federal excise tax attributable to the sale of the vehicle to the owner or to the lease of the vehicle by the owner, insurance, and refundable deposits.

   b. Calculation of the tax shall be done on the tax worksheet entitled South Dakota Closed Lease Tax Worksheet (DMV/CLTW). A copy of the worksheet must accompany the application for title and registration (MV608). The signature area must be completed on the worksheet or the purchase price must be certified on the application for title and registration (MV608).

   c. A copy of the lease agreement is required; however, leasing companies that lease to large companies/corporations for confidentiality reasons do not want to supply the 30 to 100 page lease agreement. In these situations, please obtain the attachment to the lease

known as a Schedule A. As long as the Schedule A has the vehicle information, the lessor and lessee names, the terms of the lease (which includes the monthly payment, the dates involved, information about the end of the lease), and signatures of the lessor and lessee, the actual lease agreement is not required.

5. If the term of the lease is extended or if the vehicle is leased for an additional period of time; excise tax is assessed on the additional lease payments and must be paid by the lessor.

   a. If additional consideration is paid during the course of the lease or upon termination of the lease, the excise tax is assessed on such amount and is to be paid by the lessor.

      1. Additional consideration does not include a late fee that a lessor may assess a lessee on a late lease payment.

   b. The South Dakota tax worksheet entitled, South Dakota Extended or Additional Consideration Lease Tax Worksheet (DMV/LTW.1) is to be used to remit the additional tax.

   c. The title does not have to be submitted but can be if the lessor wants the additional tax to be shown on the title. If the title is submitted a $5 title fee is required.

6. If the lessee buys the vehicle at the end of the lease, excise tax is assessed on the purchase price of the vehicle at the end of the lease.

   a. The lessor/dealer must assign the title to the lessee and submit the assigned title to the lessee's county treasurer, along with an application certifying the purchase price of the vehicle and the required fees and taxes.

   b. A lessee who entered into a lease prior to July 1, 2000, and who paid excise tax based on the purchase price of the vehicle, including the value of the leased vehicle at the end of the lease shall receive credit for tax previously paid if the lessee purchases the vehicle at the end of the lease.

   c. If a lease is terminated prior to the termination date contained in the lease agreement, no refund is given for tax previously paid.

   d. If prior to the expiration of a lease, the leased vehicle is destroyed by fire, accident or vandalism to the extent that it constitutes a total loss of the vehicle, credit for the lease tax paid for the period remaining on the previous lease is allowed if another vehicle is substituted under the original lease or a new lease is executed with the intent to replace the vehicle subject to the previous lease. The new lease or substituted vehicle under the original lease must be executed by the same lessor and lessee for lease of a vehicle of the same or similar make, model, year and options as the vehicle subject to the previous lease. The lease must be for the remaining lease period as the previous lease, for the same lease price and under the same lease terms as the previous lease.

7. Leased vehicles entering the state under a lease are subject to tax on the date the vehicle enters this state for the remaining months in the lease period.

   a. Credit is given for tax that has been paid up-front to another state. The applicant must submit proof of payment of the tax. The lessee and the lessor must remain the same. Calculation of the tax should be done on the South Dakota Closed Lease Tax Worksheet (DMV/CTW). A copy of the lease is required. [No credit is given if payment of the tax on a lease was being made to another state on a monthly basis.]

b. In the event tax was being paid by the lessee to another state on a monthly basis, the county treasurer shall require the leasing company making application for title and license to submit a completed application for title and registration, a South Dakota Lease Tax Worksheet For Out-Of-State Vehicle Lease (DMV/OSVLW), and a copy of the lease agreement.

8. When entering a lease transaction on the computer system that falls under Section 6A above, in which more tax has been paid to another state than is due South Dakota, a tax code 45 should be used. The purchase price, as indicated on the worksheet is entered, the amount of tax paid to the other state is shown as a credit, and no amount is entered in the tax amount area.

C. OPEN-END LEASE (TERMS OF THE LEASE ARE NOT CERTAIN AT THE TIME THE LEASE IS EXECUTED OR THE LEASE IS OPEN-ENDED). Vehicles with a gross vehicle weight rating of less than 16,000 pounds and fertilizer vehicles, leased for more than 28 days. (Effective July 1, 2006, motorcycles are included in the lease law.)

1. The lessor must title and license the vehicle. In the case of a leasing company within a dealership, the leasing company name must be separate and distinct from that of the dealership.

2. The lessor and the lessee's name must appear on the title.

   a. The South Dakota driver's license or social security number of each lessee must be given. If the lessee is a company, the FEIN is required. If the company is a sole proprietorship, the lessee’s South Dakota driver’s license number or social security number may be used. The FEIN, South Dakota driver’s license number or social security of the lessor is required.

3. The lessor or the lessee must pay the 3% excise tax on the purchase price of the vehicle (purchase price as defined in 3a).

   a. Purchase price on a leased vehicle in which the terms of the lease are either not certain at the time the lease contract is executed or the lease is open-ended, shall be the total consideration whether received in money or otherwise. Total consideration includes the purchase price of the vehicle, plus cash, rebates, net trade-in, extended warranties, administrative fees, acquisition fees, or any other fees assessed on the purchase of the vehicle. Total consideration does not include title fees, registration fees, excise tax, federal excise tax, insurance, and refundable deposits.

   b. Credit is given for tax previously paid to another state. The applicant must submit proof of payment of the tax. The lessor and the lessee must remain the same.

   c. No lease tax worksheet is required on an open-end lease. A signed statement (notarization not required) from the lessor indicating it is an open-end lease must accompany the application for title.

   d. The purchase price of the vehicle is certified by the dealer on the application for title (MV608) or a purchase order must be submitted to substantiate the vehicles’ purchase price.

   e. Unless the lessee is not indicated on any of the paperwork, a copy of the lease agreement is not required.

4. When entering a lease transaction that falls under Section C above on the computer system, a tax code 46 should be used.

D. **Vehicles with a gross vehicle weight rating of 16,000 pounds or more (excluding fertilizer vehicles …see Section B), leased for more than 28 days.**

1. The lessor must title and license the vehicle. In the case of a leasing company within a dealership, the leasing company name must be separate and distinct from that of the dealership.

2. The lessor and the lessee's name must appear on the title.

   a. The South Dakota driver's license or social security number of each lessee must be given. If the lessee is a company, the FEIN is required. If the company is a sole proprietorship, the lessee's South Dakota driver's license number or social security number may be used. The FEIN, South Dakota driver's license number or social security number of the lessor is required.

3. The lessor or the lessee must pay the 3% excise tax on the purchase price of the vehicle. A bill of sale or purchase order is needed to establish purchase price, unless the dealer price certification on the application is completed.

   a. Purchase price on a leased vehicle with a gross vehicle weight rating of 16,000 pounds or more is the total consideration whether received in money or otherwise. [Total consideration is the lessor's purchase price.]

   b. In the case of a lessor/lessee situation in which a lease vehicle is traded in to a dealer on another lease (no buy-out takes place and the trade takes place with the same leasing company), the trade-in allowance is granted if the trade-in vehicle is in either the lessor or the lessee's name. If the lessee's name does not appear on the title, a copy of the lease agreement or other supporting documentation indicating that the lessee was responsible for payment of the excise tax is required. On titles issued after July 1, 1994, the law requires that the lessor and the lessee be indicated on the title.

4. If the lessee pays the tax and subsequently purchases the vehicle, the lessee must title the vehicle and shall receive credit for tax paid (on a South Dakota title that denotes the lessee and lessor, a copy of the lease agreement is not required).

5. Out-of-state leasing companies titling and licensing a leased vehicle in South Dakota that has been previously titled and licensed in another state shall be exempt from the 3% excise tax to the extent that an equal and similar amount of registration fee, sales tax, use tax, state excise tax (in dollars) has been paid in such other state. The lessee must remain the same.

   a. The county treasurer shall require the leasing company making application for license of a vehicle to provide proof that a similar and equal amount of tax has been paid in another state.

   b. If sufficient proof is not furnished at the time of application, the county treasurer shall collect the full amount of the 3% excise tax.

E. **Vehicles rented for 28 days or less (includes automobiles, pickups and vans) licensed under the noncommercial license fee schedule (SDCL 32-5-6) with a manufacturers shipping weight, including accessories, of 10,000 pounds or less; trailers with an unladen weight of 9,000 pounds or more that are rented for six months or less that display a trailer ID (U) plate (32-5.8.1).**

1. Exempt from the 3% excise tax.

   a. A tax of 4 1/2% is imposed upon the gross receipts of any person renting motor vehicles for 28 days or less (see E. for qualifying vehicles). This tax is in addition to any taxes levied pursuant to chapter 10-45 (4% state sales tax), 10-45D (1.5% tourism tax) and 10-52 (applicable city tax) on rentals of 28 days or less.

      1) Exemption code 19 should be used on the application for title (MV608).

      2) Title must be issued in the name of the rental company.

      3) If the rental company is within a dealership, the rental company name must be separate and distinct from that of the dealership.

      4) If the lessee is a rental company leasing vehicles for use in a daily rental operation, the rental company must be indicated on the title as the lessee.

   b. The rental company remits the 4 1/2% gross receipts tax and the rental sales tax to the Sales Tax Office of the Department of Revenue on the Sales Tax Return.

   c. Title applications on rental vehicles must be accompanied by an affidavit from a representative of the rental company stating that the vehicle is being used for rental. The representative of the rental company will also be required to state the rental company's sales tax number on the affidavit. (An MV-608 or MV-609 exemption form, which contains this information, may be used in-lieu-of the affidavit.)

F. All revenues received from the 3% excise tax and the 4 1/2% gross receipts tax are credited to the State Highway Fund.

G. To apply for South Dakota title and registration, an applicant must complete an Application for Motor Vehicle Title and Registration (MV-608). The application must be filed in the county of the new applicant's residence.

   1. The application must be signed by the record owner(s) or by an authorized agent for the record owner(s). If an authorized agent signs the application, a power of attorney document must be attached to verify the appointment.

H. If the vehicle is new, a manufacturer's statement of origin (MSO) must be attached. If the vehicle is used, a certificate of title, properly transferred to the applicant, must be attached.

   1. The purchase price would be the same as previously set out in the section entitled "Definition of 3% Excise Tax".

I. A properly completed Damage Disclosure Statement form, if applicable, must be attached. The lessor is responsible for completing the Damage Disclosure Statement.

J. Payment of the correct amount of 3% excise tax (if applicable), a title fee, and any license fee as may be required must be collected. Failure to pay the full amount of excise tax is a Class 1 misdemeanor.

TRANSFER OF OWNERSHIP ON ABANDONED VEHICLES

A. Criteria that must be met to qualify for application for an abandoned vehicle title.

1. The vehicle must have been towed by a removal agency.

2. Written notice, by certified mail, must have been sent to the owner and lienholder, if applicable, within 45 days of removal of the vehicle.

B. Any owner that intentionally abandons a vehicle on any public highway or right-of-way is civilly liable to the towing company for the expense of towing and storing the vehicle.

1. It is a class 2 misdemeanor to abandon a motor vehicle on any public highway or right-of-way.

2. A person convicted of abandoning a vehicle shall be ordered to pay any reasonable towing and storage fees. The court shall suspend the fine, if the person pays the towing and storage fees.

C. No removal agency may remove abandoned, wrecked, or impounded motor vehicles or other scrap metals from private property without written permission of the landowner or tenant.

1. The Department of Revenue shall provide the removal agency with the last known address of the record holder of title and any readily identifiable lienholders free of charge.

a. Any person in the business of repossessing motor vehicles may request any local law enforcement officer to provide the license plate number and color of a motor vehicle licensed in South Dakota. The repossessor must provide enforcement with a copy of the contract for the repossession of the vehicle.

2. If a removal agency removes any unattended vehicle from a public street or highway and the removal is not at the written request of the owner, an authorized agent of the owner, or a law enforcement officer, the removal agency must report the removal to the owner within 24 hours of removing the vehicle. If the removal agency is unable to contact the owner, the removal agency must report the removal to the county sheriff, if the removal occurred outside any municipality, or to the chief of police if the removal occurred inside any municipality within 24 hours of removing the vehicle. Failure to make a report is a Class 2 misdemeanor. Further, the removal agency is not entitled to any towing or storage fees for the removed vehicle and no such fees may be billed or collected by the removal agency.

D. If the vehicle is being removed by the removal agency, the following procedures shall apply:

1. The sheriff, law enforcement officer, or towing agency taking custody of any vehicle has a possessory lien on the vehicle and the contents of the vehicle for reasonable costs in taking custody and storing the vehicle. No lien on the contents of the vehicle may exceed $500. No possessory lien attaches to the tools and implements, which a person uses and keeps for the purpose of carrying on his or her trade or business, or to any clothing or food.

2. Within 10 to 45 days after any abandoned, wrecked, or impounded motor vehicle or other scrap metal has been removed, the removal agency shall send written notice by certified mail to the registered owner and to all readily identifiable lienholders of record at their last known address. The notice shall set forth the date and place of the taking, the year, the make, model and serial number of the abandoned motor vehicle, and the place where the vehicle is being held, and shall inform the owner and any lienholders of their right to reclaim the vehicle. The notice shall be on a form provided by the Department of Revenue. **If the removal agency does not give notice**

within 10 days from the date of removal, no storage may be charged beyond the 10-day period until the notice is mailed. Notice must be sent within 45 days to qualify for an abandoned title. If notice is not sent within the 45-day requirement, see "Mechanics Lien" procedures.

3. If it is impossible to determine with reasonable certainty the identity and address of the registered owner and all lienholders, the notice shall be published once in a newspaper of general circulation in the area where the motor vehicle was abandoned. Published notices may be grouped together for convenience and economy.

4. If the record holder of title fails to claim and remove the vehicle within thirty (30) days, title to the vehicle is irrevocably vested in the removal agency.

E. The removal agency shall then apply to the county treasurer for a regular title or a junk title. (Note, once a junking certificate is issued, a regular title may never be obtained.) If a regular title is issued, the title shall carry a notation of "A" in the transaction field on the title document, to represent an abandoned vehicle.

F. If the owner or lienholder does not surrender the title of the vehicle or scrap metal to the removal agency, the agency shall submit the following to the county treasurer:

1. A completed application for motor vehicle title (MV-608).

2. Copy of the written notice sent to the registered owner of record and the lienholder (if applicable).

3. The original (green) return receipt indicating to whom the certified notice was sent (registered owner of record and lienholder if applicable).

4. A properly completed Damage Disclosure Statement form, if applicable.

5. A title fee.

G. Prior to issuance of title, the Department of Revenue will verify the vehicle information against the stolen vehicle file. If the vehicle is found to be stolen, title will not be issued.

H. The removal agency may elect to register the vehicle at the time of application for an abandoned certificate of title. In these situations, Tax Code 95 should not be used. The applicant must pay the 3% excise tax, unless otherwise exempted, based on the NADA book value (if applicable), any license fees, and the title fee.

I. In the event license plates are not being purchased, but the vehicle qualities for exemption 14, Tax Code 14 should be used rather than Tax Code 95.

J. For a vehicle that is left on private property and not reclaimed by the owner, application for title is to be done through the mechanics lien procedures. See "Mechanics Lien Procedure" section.

K. Refer to Section B-47 for information on abandoned mobile/manufactured homes.

L. For vehicles left unclaimed for a period of 30 days, as a result of an unpaid repair bill on private property, refer to Transfer of Ownership on an Unpaid Repair Bill" section.

M. For a vehicle that is 11 years old or more that is acquired as the result of the purchase of property (for example, a farmer on whose land there is an abandoned vehicle), or similar situation, the landowner may

apply for a title by submitting the following: if a record owner is on file, proof of notice by certified letter to the record owner and any lienholders of the intent to apply for a title, an affidavit of facts, an application for title, and a title fee. The division reserves the right to deny the application if it is determined that sufficient documentation is not provided to establish proper ownership of the vehicle. This is not an abandoned vehicle transaction and the title is not branded “abandoned”.

FARM VEHICLES AND EQUIPMENT

A. Farmers or ranchers may apply to their county treasurer's office for a decal with the word "farm" inscribed thereon. This decal shall be placed on the license plate of a motor vehicle as defined by 32-3-1, used wholly and exclusively for the following purposes:

1. To carry their own supplies, farm equipment, and household goods to or from the owner's farm or ranch; or

2. Used by the farmer or rancher to carry his own agricultural products, livestock, and produce to or from storage or market; or

3. Used by farmers or ranchers in exchange of service in hauling of such supplies or agricultural products, livestock, and produce.

B. To obtain a farm decal, applicant must complete and submit an Application for Farm Decals.

1. The county treasurer will forward the completed application for farm decals to the DMV upon issuance of the decals for filming under the customer's record.

2. The farm decal does not exempt the vehicle from any taxes or yearly license plate fees.

C. If the vehicle is sold or disposed of during the licensing period, the decals must be removed.

UTILITY DECAL

A. Electric or gas utilities as defined in Chapter 49-34A or any common carrier offering telecommunications service to the public as defined in Chapter 49-31 who own straight trucks with two or three axles, used wholly and exclusively to carry their own equipment or property used for the construction or maintenance of utility property, may apply to the county treasurers for a utility decal.

B. The utility decal identifies the vehicle, which is exempt from South Dakota fuel permit requirements and fuel importation restrictions, when it enters South Dakota. Designated primarily to assist utility companies whenever their trucks need to exit and re-enter South Dakota repeatedly during emergencies.

C. The applicant must complete an application for utility decal form.

D. No fee is charged for the decal.

E. The decal is to be placed on the license plate of the vehicle for which application is made.

F. In the event the vehicle bearing the decal is sold or disposed of, the decals must be removed from the license plates and canceled by contacting the Division of Motor Vehicles.

SNOWMOBILE

A. Upon the sale of each snowmobile, the dealer or applicant shall deliver to the county treasurer of the applicant's residence all completed forms necessary to accomplish the licensing and titling for each snowmobile sold.

1. A snowmobile is defined as: Any engine-driven vehicle of a type which uses sled type runners or skis with an endless belt tread or similar means of contact with the surface upon which it is operated and the vehicle does not exceed forty-eight inches in width.

B. Applicant must furnish to the county treasurer in the county of his residence an Application for Motor Vehicle Title and Registration (MV-608).

1. The division will not accept an incomplete application form or an application form, which the division considers erroneous.

2. The application must be signed by the record owner or by an authorized agent for the record owner. A power of attorney document shall be attached to verify the appointment of the authorized agent.

3. Any person who intentionally falsifies information required on the application or provides erroneous information is guilty of a Class 6 felony.

C. The South Dakota driver's license or social security number of each purchaser must be given. In the case of a company, the FEIN is required. If the company is a sole proprietorship, the owner's social security number or South Dakota driver's license number may be used.

D. Attached to the application shall be a manufacturer's statement of origin or title properly transferred to the applicant.

E. A purchase order, sales contract or bill of sale will be required if the Dealer Price Certification is not completed on the application.

1. It is important that the dealer's signature is on the original copy of the application.

2. The county treasurer shall collect on each snowmobile on which no excise, sales, or similar tax have been paid by the applicant, the 3% excise tax based on the purchase price, minus any trade-in allowance granted. A bill of sale substantiating the price must be attached on sales between individuals. If a bill of sale cannot be furnished, a statement indicating such should be attached or the area indicating such on the MV-608 must be checked. A reasonable value for the snowmobile must then be established. On sales involving a dealer, the dealer price certification on the application for title (MV-608) must be completed by the selling dealer.

F. Payment of the correct amount of 3% excise tax, a title fee, and any license fees as may be required, must be collected. Failure to pay the full amount of the 3% excise tax is a Class I misdemeanor.

G. All snowmobiles used on public and private lands and any frozen public waters within territorial limits of South Dakota shall be licensed.

Annual license fees for a snowmobile shall be $10 per snowmobile. Payment of the license fees shall be made prior to the operation of, or permitting the operation of, any snowmobile within this state. The initial fees are prorated monthly and the snowmobile is registered under our staggered registration system, with expiration on

the last day of the month of the year for which it was issued. The snowmobile license decal stays with the snowmobile and credit is given to the new owner for any months remaining on the license.

OFF-ROAD VEHICLES

A. "Off-road vehicle," any self-propelled, two or more wheeled vehicle designed primarily to be operated on land other than a highway and includes, but is not limited to, all-terrain vehicles, dune buggies and any vehicle whose manufacturer's statement of origin (MSO) or manufacturer's certificate of origin (MCO) states that the vehicle is not for highway use.

1. Off-road vehicle does not include a farm vehicle.

B. No person may operate on a public street or highway an off-road vehicle, except for crossing from one side of the road to the other.

1. A violation of this section is a Class 2 misdemeanor.

C. Off-road vehicles may not be registered and licensed for use upon the highways, but must be titled.

D. Any four wheel (200 CC or more) off-road vehicle may be licensed.

1. An ATV affidavit and proof of sales tax paid must be submitted at the time of application for licensing.

2. All provisions pertaining to ATV's apply (see Section B-35).

E. To obtain a South Dakota title, the applicant must complete an application for motor vehicle title (MV-608). The application must be filed in the county of the new applicant's residence.

1. The application must be signed by the record owner(s) or by an authorized agent for the record owner(s). If the application is signed by an authorized agent, a power of attorney document must be attached to verity the appointment.

2. The South Dakota driver's license or social security number of each purchaser must be given. In the case of a company, the FEIN is required. If the company is a sole proprietorship, the owner's South Dakota driver's license number or social security number may be used.

F. For a new vehicle a manufacturer's statement of origin (MSO) or manufacturer's certificate of origin (MCO), properly transferred to the applicant, must be attached. If the vehicle is used, the certificate of title properly transferred to the applicant must be attached.

G. A title fee must be collected.

H. Sales tax must be collected by the selling dealer on any off-road vehicle and proof of sales tax paid must be furnished at the time of application for title.

FOUR-WHEEL, ALL-TERRAIN VEHICLES

A. Any all-terrain vehicle with four or more wheels with a combustion engine having a piston or rotor displacement of two hundred cubic centimeters or more may be licensed as a motorcycle to be used on a public highway. An ATV shall be titled.

1. Any three-wheeled or four-wheeled, all-terrain vehicle using a highway ditch or crossing a highway to get to and from a field or pasture and being used in the coarse of farm or ranch labor, is exempt from annual registration and licensing.

B. An application for South Dakota title and registration must be completed and filed in the county of the applicant's residence.

1. Any person who intentionally falsifies information on the application or provides erroneous information is guilty of a Class 6 felony.

2. The division will not accept an incomplete application form or an application form, which the division considers erroneous.

3. The application must be signed by the record owner(s) or by an authorized agency for the record owner(s). If the application is signed by an authorized agent, a power of attorney document must be attached to verify appointment.

C. The South Dakota driver's license or social security number of each purchaser must be given. In the case of a company, the FEIN is required. If the company is a sole proprietorship, the owner's South Dakota driver's license number or social security number may be used.

D. A manufacturer's statement of origin (MSO) or valid ownership document must be attached.

E. ATV affidavit and proof of sales tax paid must be submitted at time of application and licensing.

F. The licensed four-wheel, all-terrain vehicle may not be operated on the interstate highway.

G. A 5-15 day temporary permit can be purchased (in-state or out-of-state applicant) on an ATV.

1. A bill of sale or assigned title must be presented. If the applicant is from a state that does not title or register an ATV, an affidavit attesting to this fact and attesting to ownership of the ATV is acceptable.

2. Only one permit, per year, can be purchased by the applicant for the same vehicle.

3. The applicant must complete an ATV affidavit form attesting that the vehicle meets the equipment criteria.

4. A customer record must be produced when issuing the permit, so the applicant must furnish either a SD driver's license (SDDL) or Social Security number (SSN). If a SSN is used and the applicant does not have a SDDL, a photo of an ID (e.g., out-of-state driver's license, tribal ID) must be presented.

H. An interstate title can be issued to a nonresident (with no temporary SD address) on an ATV that is titled in another state. The interstate affidavit form, a copy of the out-of-state title or current out-of-state registration, an application, and applicable fees are submitted to a county treasurer. The applicant(s) must provide his/her Social Security number and an out-of-state driver license (copy submitted with the application). The SD interstate title must be issued in the same name as the out-of-state title/registration.

I. AMPHIBIOUS VEHICLES (COMBINATION ATV AND BOAT)

A. An amphibious vehicle (combination ATV and boat) shall be titled as an ATV. An interstate title is issued covering the boat.

1. Sales tax is assessed on the entire unit; no excise tax is assessed.

2. An application for title shall be completed on each unit (title for the ATV; interstate title for the boat) with a $5 title fee assessed on each (title and interstate) application.

B. See above ATV procedures, if the ATV meets criteria for licensing.

C. A boat license must be purchased prior to operating the vehicle upon the waters of this state. The boat title can be applied for at the time of applying for a boat license (no penalty fee assessed).

UNCONVENTIONAL VEHICLES

A. Mini Trucks

1. Any vehicle that is not manufactured to US standards that is imported as agriculture equipment is considered an unconventional vehicle. These units will be titled as an ATV.

2. The person selling these units must title the unit prior to selling it. Proof of sales tax paid is not required as the tax will be collected at time of sale. The sale of an ATV is not subject to dealer licensing.

3. An application for South Dakota title and registration must be completed and filed in the county of the applicant's residence.

   a. Any person who intentionally falsifies information on the application or provides erroneous information is guilty of a Class 6 felony.

   b. The division will not accept an incomplete application form or an application form that the division considers erroneous.

   c. The application must be signed by the record owner(s) or by an authorized agency for the record owner(s). If the application is signed by an authorized agent, a power of attorney document must be attached to verify appointment.

4. The South Dakota driver's license or social security number of each purchaser must be given. In the case of a company, the FEIN is required. If the company is a sole proprietorship, the owner's South Dakota driver's license number or social security number may be used.

5. A Green Export Certificate, Combined Transport Bill of Lading, and US Department of Homeland Security Bureau of Customs and Border Protection Entry/Immediate Delivery document (import form) must be attached.

6. An ATV affidavit must be submitted when requesting a motorcycle license.

7. The licensed unconventional vehicle may not be operated on the interstate highway.

B. Motorcycles

1. An application for South Dakota Motor Vehicle Title and Registration (MV-608).

   a. See section B-8 for application procedures.

2. A manufacturer's statement of origin (MSO) or manufacturer's certificate of origin (MCO), properly transferred to the applicant must be attached.

   a. If the MSO/MCO is not completed by the manufacturer/distributor, it is not a valid certificate. At a minimum, the following must be contained on the MSO/MCO:

      1) Conforming 17-digit VIN.

      2) Name of distributor/dealer.

      3) Assignment section and odometer reading.

3. The division will verify the manufacturer through the National Highway Traffic Safety Administration (NHTSA) manufacturer's information site to determine the proper make and coding. If a manufacturer is not registered with NHTSA, the generic make of CYCL will be used.

MOPEDS

A. A moped may be licensed and titled.

B. A moped is defined as a motor driven cycle equipped with two or three wheels. If a combustion engine is used, the maximum piston or rotor displacement shall be fifty cubic centimeters, regardless of the number of chambers in such power source. The power source shall be equipped with a power drive system that functions directly or automatically only, not requiring clutching or shifting by the operator after the drive system is engaged.

C. An application for South Dakota title and registration must be completed and filed in the county of the applicant's residence.

1. Any person who intentionally falsifies information on the application or provides erroneous information is guilty of a Class 6 felony.

2. The division will not accept an incomplete application form or an application form, which the division considers erroneous.

3. The application must be signed by the record owner(s) or by an authorized agency for the record owner(s). If the application is signed by an authorized agent, a power of attorney document must be attached to verify appointment.

D. The South Dakota driver's license or social security number of each purchaser must be given. In the case of a company, the FEIN is required. If the company is a sole proprietorship, the owner’s South Dakota driver’s license number or social security number may be used.

E. A manufacturer's statement of origin or valid ownership document must be attached.

F. A title fee must be collected.

G. Sales tax must be collected by the selling dealer on mopeds and proof of sales tax paid must be furnished at the time of application.

H. Insurance is required if operating a moped on the streets.

GOLF CARTS

A. A golf cart (other than electric) may be titled and licensed. If the golf cart is to be licensed, it must meet all the requirements set out in the four-wheel, ATV affidavit. These vehicles are subject to inspection at the division's discretion.

1. A municipality or an improvement district may, by ordinance, permit golf carts on a highway under the jurisdiction of the municipality. The golf cart must be insured and the driver must have a driver's license. A permit must be obtained from the municipality.

2. A golf cart can be used on roads within state parks and state recreation areas that are designated by GF&P to be used by golf carts. The golf cart must be insured, have a rearview mirror, and have functioning headlights, and brake lights. The golf cart must display a valid park entrance license. A person operating a golf cart on any such designated road must hold a valid driver license.

B. An application for South Dakota Title and Registration must be completed and filed in the county of the applicant's residence.

1. Any person who intentionally falsifies information required on the application or provides erroneous information is guilty of a Class 6 felony.

2. The division will not accept an incomplete application form or an application form, which the division considers erroneous.

3. The application must be signed by the record owner(s) or by an authorized agency for the record owner(s). If the application is signed by an authorized agent, a power of attorney document must be attached to verify the appointment.

C. The South Dakota driver's license or social security number of each purchaser must be given. In the case of a company, the FEIN is required. If the company is a sole proprietorship, the owner's South Dakota driver's license number or social security number may be used.

D. A manufacturer's statement of origin (MSO) or a valid ownership document must be attached.

E. A title fee must be collected.

F. Sales tax must be collected by the selling dealer on any golf cart and proof of payment of the sales tax must be submitted at the time of application for title.

G. License fees shall be based on the motorcycle fee schedule.

MOBILE/MANUFACTURED HOMES

A. A mobile/manufactured HUD home is a movable or portable unit, designed and constructed to be towed on its own chassis (composed of frames and wheels) and designed to be connected to utilities for year-round occupancy. The term shall include:

1. Units containing parts that may be folded, collapsed, or telescoped when being towed and that may be expanded to provide additional cubic capacity; and

2. Units composed of two or more separately towable components designed to be joined into one integral unit capable of being separated again into the components for repeated towing;

3. A mobile/manufactured home on an MSO is built to HUD standards, whereas a modular home is built to UBC standards. Modular homes are not titled and/or registered.

   a. A mobile/manufactured home built to HUD standards will have permanently attached to the exterior siding of each transportable section a HUD Construction Code Label, per HUD title regulations, effective June 15, 1979. The HUD Construction Code Label is a metal certification label that is red in color, and contains the following information: AS EVIDENCED BY THIS LABEL NO. 000-000000 THE MANUFACTURER CERTIFIES TO THE BEST OF THE MANUFACTURER'S KNOWLEDGE AND BELIEF THAT THIS MOBILE/MANUFACTURED HOME HAS BEEN INSPECTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND IS CONSTRUCTED IN CONFORMANCE WITH THE FEDERAL MOBILE/MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS IN EFFECT ON THE DATE OF MANUFACTURE. SEE DATA PLATE.

   b. The data plate verifies the following: manufacturer's name, trade/model name, year of manufacturer, serial number, HUD Construction Code Label(s) and HUD construction zones. Per 1976 HUD Regulation, this form is to be affixed inside the home on or near the main electrical breaker box and is printed on paper or foil stock 8-1/2" x 11" to 8-1/2" x 14" in size. Note: some states use form for modulars.

   c. If a label is missing or if modifications have been made without proper permit/inspections, the structure cannot be offered for sale or occupied.

B. The term mobile/manufactured home shall include units designed to be used for residential, commercial, educational, or industrial purposes.

1. This excludes recreational vehicles which are defined as vehicular portable structures built on a chassis designed to be used as a temporary dwelling for travel, recreational and vacation uses.

2. Also excluded is a sectional home that is defined as any home prebuilt in whole or in part for the purpose of permanent placement on a foundation. A sectional home is not subject to vehicle licensing.

C. Upon application for the initial licensing of a mobile/manufactured home in South Dakota, the county treasurer shall collect the 4% initial registration fee based on the purchase price. No trade-in allowance is granted.

1. Exemptions:

   a. Governmental or public entities set forth in 32-5-42 and 32-5-42.1 (see exemptions under 01, in the "Exemptions from 3% Excise Tax"). Exemption code 01 should be used on the application for title (MV-608).

   b. When a mobile/manufactured home that has previously been exempted from the 4% initial registration fee (the initial registration fee has not been previously paid in South Dakota) is sold to a nonexempt agency, the 4% initial registration fee shall be assessed on the purchase price of the mobile/manufactured home.

D. A mobile/manufactured home owned by a nonresident coming into this state from another state, a mobile/manufactured home purchased and owned by a member of the armed forces while on duty in the United States and a mobile/manufactured home purchased in another state by a resident other than a licensed dealer are exempt from the 4% initial registration fee to the extent of a similar and equal amount of registration tax, sales, use or state excise tax has been paid in another state by the current applicant.

   1. The county treasurer shall require an affidavit of a licensed dealer, bill of sale, receipt or other tangible evidence that a similar and equal amount of tax has been paid by the current applicant.

   2. If sufficient proof is not furnished, the county treasurer shall collect an additional or full amount to equal the South Dakota rate of tax.

E. Native Americans living in mobile/manufactured homes located within a Native American reservation are assessed 11.25% of the 4%of the purchase price of the mobile/manufactured home. (Example: A HUD home that will be located on a reservation that sells for $100,000, is subject to $450 initial registration fee - $100,000 x 4% x 11.25%.)

F. If the mobile/manufactured home is new, a manufacturer's statement of origin, properly transferred to the applicant, must be attached. If the mobile/manufactured home is used, a certificate of title properly transferred must be attached.

G. If the mobile/manufactured home is sold by a dealer, the licensed dealer shall deliver to the county treasurer the manufacturer's statement of origin or the title for such home together with the required fees and forms within 30 days of the sale. Any dealer who does not comply with this section is subject to a late penalty fee of $1 for each week or fraction thereof beyond the 30-day limitation for 25 weeks and a late fee of $50 for 26 weeks or more. Any person applying for title a year or more beyond the 30-day limitation is guilty of a Class 2 misdemeanor.

   1. Any mobile/manufactured home purchased or transported by or for a dealer must have:

      a. On any used home, an affidavit issued by the county treasurer in which the home is registered stating that the current year’s taxes have been paid, is required.

      b. A self-issue permit displayed when moving a used or new mobile/manufactured home.

      c. When the dealer sells a new, used or an out-of-state titled home and is transporting it to the purchaser, the dealer must file a property tax assessment (PT6) form with the Director of Equalization in the county of destination.

H. Any transfer or reassignment of a title must be accompanied by an affidavit issued by the county treasurer stating current year’s taxes have been paid.

1. If an owner of a used mobile/manufactured home, regulated lender, transporter or a licensed dealer fails to obtain a tax affidavit, from the county treasurer from the county in which the used home is requested, stating current year's taxes are paid as described in SDCL 10-21-36 and 10-21-39, inclusive, or SDCL 10-9-3, the department shall assess a monetary penalty of $250 for the first violation within a one-year period; $500 for the second violation within a one-year period; and $1,000 for each subsequent violation within a one-year period.

2. The county treasurer shall notify the department, in writing, of any violation for failure to obtain a tax affidavit prior to moving a home.

3. In addition to a monetary penalty, a transporter or dealer who was responsible for moving a mobile/manufactured home is liable for any property taxes due the county if a tax affidavit was not obtained prior to moving the home.

I. For mobile/manufactured homes not sold by a licensed dealer, the purchaser shall title the mobile/manufactured home within 30 days. Any person who does not comply with this section is subject to a late penalty fee of $1 for each week or fraction thereof beyond the 30-day limitation for 25 weeks and a late fee of $50 for 26 weeks or more. Any person applying for title a year or more beyond the 30-day limitation is guilty of a Class 2 misdemeanor.

J. No South Dakota certificate of title on a mobile/manufactured home can be transferred without the affidavit (MV-1030) from the county treasurer indicating that the current year's taxes have been paid on the mobile/manufactured home.

K. Application for a South Dakota motor vehicle title.

1. An application for title and registration (MV-608) must be completed and filed through the county treasurer.

2. The application must be signed by the record owner(s) or by an authorized agent for the record owner(s). If the application is signed by an authorized agent, a power of attorney document must be attached to verify the appointment.

3. The South Dakota driver's license or social security number of each purchaser must be given. In the case of a company, the FEIN is required. If the company is a sole proprietorship, the owner's South Dakota driver's license number or social security number may be used.

4. Applicant must supply a bill of sale.

5. A title fee is required.

L. Transportation of mobile/manufactured home.

1. If an owner of a used mobile/manufactured home, regulated lender, transporter or a licensed dealer fails to obtain a tax affidavit, from the county treasurer from the county in which the used home is located, stating current year's taxes are paid as described in SDCL 10-21-36 and 10-21-39, inclusive, or SDCL 10-9-3, the department shall assess a monetary penalty of $250 for the first violation within a one-year period; $500 for the second violation within a one-year period; and $1,000 for each subsequent violation within a one-year period.

2. The county treasurer shall notify the department, in writing, of any violation for failure to obtain a tax affidavit prior to moving a home.

3. In addition to a monetary penalty, a transporter or dealer who was responsible for moving a mobile/manufactured home is liable for any property taxes due the county if a tax affidavit was not obtained prior to moving the home.

4. Transporter plates shall not be used to transport a mobile/manufactured home.

M. Any person moving a mobile/manufactured home must have:

1. A $15 single trip permit issued by the county treasurer, unless the home is being moved by or for a licensed mobile/manufactured home dealer.

2. On any used home, an affidavit issued by the county treasurer in which the home is registered stating that the current year's taxes have been paid, is required.

N. Any mobile/manufactured home purchased or transported by or for a dealer must have:

1. On any used home, an affidavit issued by the county treasurer in which the home is registered stating that the current year's taxes have been paid, is required.

2. A self-issued permit displayed when moving a used or new mobile/manufactured home. There is no fee for the permit.

3. When a dealer sells a new, used, or an out-of-state titled mobile/manufactured home and is transporting it to the purchaser, the dealer must file a Property Tax Assessment (PT6) Form with the director of equalization in the county of destination.

O. Any mobile/manufactured home moved by a transporter must have:

1. On any used home, an affidavit issued by the county treasurer in which the home is registered stating that the current year's taxes have been paid, is required.

2. A $15 single-trip permit issued by the county treasurer of the county in which the home is registered, stating that the current year's taxes are paid.

P. In the event the owner requests the conversion of the manufactured home title record to indicate the manufactured home is listed as real estate, the following is required:

1. If the title is not already in the name of the person requesting the conversion, the title must be properly assigned to the person requesting the conversion. A $5 title fee is assessed. The Division of Motor Vehicles' records will reflect the new owner on the computer file system. [If the title is already in the name of the person requesting the conversion, no title fee is assessed.] No liens will be noted on the system. Current manufactured home taxes will have to be paid, so a current tax affidavit must accompany the request. No title will be issued.

2. The Division of Motor Vehicles requires an affidavit of Declaration for a Manufactured Home Placed on Real Estate. This will require that the title be transferred as real estate.

3. The Division of Motor Vehicles will indicate on the file that there is to be no transfer of ownership without the owner going through the conversion (back to a title) process.

4. The Division of Motor Vehicles will assure that all of the necessary information has been received and the file will be flagged so no transfer can take place. Notice will be sent by the division to the Division of Property Tax in the Department of Revenue, who will notify the

Director of Equalization in the county in which the mobile/manufactured home is located, indicating that the mobile/manufactured home is being converted to real estate.

Q. Conversion of manufactured home that was converted to real estate back to manufactured home (title) status.

1. Documentation that must accompany a request for conversion of a manufactured home real estate record to a certificate of title:

   a. Current tax affidavit from the county treasurer in which the home is located.

   b. Affidavit of declaration for a manufactured home removed from real estate (MV-003).

2. An independent report that contains the following:

   a. Legal description of the real estate upon which the home is located.

   b. Listing of liens or encumbrances against the home or the real estate upon which the home is located.

   c. Current owner of the home.

   d. Affidavit stating a lien search has been conducted of all records of the following offices where the home is located and describing any liens revealed by the search:

      1) Register of Deeds.

      2) Clerk of Courts.

      3) County Treasurer.

      4) Secretary of State.

3. If any liens, a lien release from each lienholder or the lien must be noted on the application for title..

TRANSPORTER LICENSE AND PLATES

A. Any commercial motor carrier located in the state hauling a new trailer with an MSO or title and who has registered with the Division of Motor Vehicles as a transporter may use a transporter plate upon the streets and highways for in-transit purposes.

1. The transporter shall complete and submit a Transporter Registration form.

2. The registration is submitted to the Division of Motor Vehicles.

B. Application for Transporter License Plates is made on the Transporter Registration Form.

1. The annual fee for a transporter plate is $50.

2. The plate must be renewed annually.

3. The owner can move the plate from one trailer to another.

4. Any new trailer with a transporter plate may be used to haul other new trailers.

5. A transporter plate shall not be used to transport mobile/manufactured homes.

C. Any mobile/manufactured home moved by a transporter must have:

1. A $15 single-trip permit issued by the county treasurer, unless the home is being moved by or for:

   a. Licensed mobile/manufactured home dealer.

2. On any used home, an affidavit issued by the county treasurer of the county in which the home is registered, stating the current year's taxes have been paid.

   a. If an owner, a regulated lender, transporter, or a licensed dealer, fails to obtain a tax affidavit from the county in which the used home is registered, stating the current year's taxes are paid as described in SDCL 10-21-36 and 10-21-39, inclusive or SDCL 10-9-3, the department shall assess a monetary penalty of $250 for the first violation within a one-year period; $500 for the second violation within a one-year period; and $1,000 for each subsequent violation within a one-year period.

   b. The county treasurer shall notify the department, in writing, of any violation for failure to obtain a tax affidavit prior to moving a home.

   c. In addition to a monetary penalty, a transporter or dealer who was responsible for moving a mobile/manufactured home is liable for any property taxes due the county if a tax affidavit was not obtained prior to moving the home.

TRANSFER OF OWNERSHIP ON ABANDONED MOBILE/MANUFACTURED HOMES

A. Abandoned Mobile/Manufactured Home

1. If a home has been abandoned and left on leased real property, the owner of the real property may sell the home under the provisions of chapter 21-54 (Foreclosure of Personal Property Liens and Pledges by Advertisement).

   a. A home is considered abandoned if the owner has not removed it within 30 days of the court issuing a writ of possession as provided in chapter 21-16 (Forcible Entry and Detainer). Upon issuance of the writ of possession by the court, the owner of the real property must give the owner and any lienholder (lien noted on the title) written notice of intent to sell the home pursuant to chapter 21-54 (foreclosure) if the home is not removed within 30 days. (MV-3015) The notice must be sent by certified mail.

   b. The sale is subject to any taxes owed on the home and unpaid lot rent. The unpaid lot rent many not exceed two months lot rent at the price previously agreed to by the owner of the real property and the owner of the home.

   c. After the owner of the home has received 30 days written notice, and before the owner of the property proceeds with the sale, the property owner must provide written notice of intent to sell the home to the county treasurer where the home is located. (MV-3013)

   d. If the county treasurer has not issued a distress warrant and informed the property owner of such issuance within 30 days of the notice or the home has not been removed by its owner or lienholder within 30 days of the notice, the property owner may proceed with the sale pursuant to chapter 21-54.

   e. If the home fails to sell at a sale held pursuant to chapter 21-54, title to the home vests with the property owner. The property owner can obtain an abandoned title without payment or obligation to pay any taxes owed on the home or any lien on the home at time of acquisition. However, if the property owner intends any use of the home other than disposal, the property owner can obtain an abandoned title after paying any taxes owed on the home. (MV-608)

   f. If a property owner obtains a title on the home, the owner must obtain a permit to move the home. If the property owner files an affidavit with the county treasurer stating that the owner is going to move the home for the sole purpose of disposal, the treasurer must issue the permit without receiving payment of the current year's taxes. (MV-3014) The county treasurer must deliver the affidavit to the board of county commissioners after issuance of the permit. The board must abate any taxes owed on the home.

BOATS

A. Boat titling.

1. Boats over 12 feet in length or motor boats (includes electric) of any length, which are purchased or acquired by residents of this state, are required to be titled at time of registration, except canoes, inflatable vessels, kayaks, sailboards and seaplanes.

2. An owner of a boat over 12 feet in length or a motor boat of any length not subject to titling requirements (boats over 12 feet, purchased or acquired prior to July 1, 1992) **may** apply to the county treasurer for a title.

   a. An owner of a boat 12' in length that was titled previously to July 1, 1994, will no longer be allowed to title the boat. The record on these boats must be converted from a title record to a registration record in the new owner's name. The certificate of title should be surrendered, if available, for cancellation.

3. Application for boat title is made to the county treasurer of the owner's residence.

   a. The owner is required to apply for title within 30 days of acquisition.

   b. The applicant shall submit the MCO, title or other ownership document along with an application for title (MV-607), bill of sale, and appropriate fees.

   c. The South Dakota driver's license or social security number of each purchaser must be given. In the case of a company, the FEIN is required. If the company is a sole proprietorship, the owner’s South Dakota driver’s license number or social security number may be used.

4. Effective July 1, 2004, damage disclosure is required on large boats (boats over 12 feet in length and motorized boats, except canoes, inflatable boats, kayaks, sailboards and seaplanes) that are 6 years old or less with damage in excess of $5,000 (see Damage Disclosure Section for additional information).

B. Exemptions from boat titling (boats that cannot be titled).

   1. Nonmotarized boats 12 feet and under in length.

   2. Canoes, inflatable vessels, kayaks, sailboards, and seaplanes.

C. Liens.

1. If a lien is noted on the certificate of title, the title is mailed to the owner, unless otherwise directed.

2. Notation of lien:

   a. To note a lien on a certificate of title, a copy of the security agreement and a lien notation fee shall be presented to the county treasurer of the applicant's county of residence.

3. If a notation of lien has been made on the title or MSO by the seller, buyer, owner or holder of the instrument, it shall be valid against the creditors of the debtor, whether armed with process or

not, and subsequent purchasers and other lienholders or claimants, but otherwise is not valid against them.

4. Cancellation of lien:

a. To release a lien on a certificate of title, a lien release and the title (unless title is ELT) shall be presented to the county treasurer of any county.

D. Repossession, operation by law, inheritance, bankruptcy, replevin or execution sale.

1. The transferee shall within 30 days of acquiring the right to possession of the large boat (boat over 12 feet in length) make application for title through the county treasurer.

a. Application for title.

b. Proof of ownership rights -- security agreement and affidavit of repossession; court order; affidavit of inheritance; letters of administration.

c. Payment of required fees.

E. Definitions of boat dealer.

1. "Boat dealer," who for commission of with intent to make a profit or gain sells, exchanges, rents, or leases with option to purchase, offers or attempts to negotiate a sale or exchange of new or used boats or who is engaged wholly or in part in the business of selling new or used boats.

F. Boat dealer requirements.

1. If a dealer buys or acquires a new or used large boat for resale (instate or out-of-state) that is titled, the dealer is not required to title and register the boat. The dealer may, however, if he so chooses apply for a title (licensing optional) in the dealership name.

a. If a dealer buys or acquires a used large boat that is not titled, the dealer shall apply for a title in the dealer's name within 30 days.

2. There is no provision for a dealer to tax, title and license a new boat and make the retail sale exempt.

3. Any dealer transferring a large boat requiring titling shall assign the title (if a title has been previously issued/MSO) to the new owner who shall have 30 days from the purchase date to apply for title and registration through his county treasurer. The dealer is further required to certify on the application for boat title and registration (MV-607) the selling price of the boat minus any trade-in allowance granted.

4. The dealer is required to maintain records of sales, which relate to the sale of a large boat, for five years.

5. Any licensed motor vehicle dealer may reassign a title on a used boat.

G. Leased or rented boats.

1. Any leasing or rental company that operates within the principal place of a boat dealer is a business separate from the dealership.

a. A leasing or rental company must title, license and tax any leased or rented boat in a name that is distinct and separate from that of the dealership.

H. Boat licensing.

1. No person may operate or give permission to operate a boat over 12 feet long or a motorboat of any length on the public waters of South Dakota unless that boat is numbered in accordance with South Dakota law, applicable federal law, or with a federally approved numbering system of another state.

a. A nonmotorized boat 18 feet and under in length is exempt from having to display numbers. A nonmotorized boat over 12 feet in length and a motor boat of any length, however, must be registered and display a registration validation decal.

2. Boat decals expire on the last day of the month of the year for which they were issued. Boats are registered under the staggered registration system.

I. Exemptions from boat licensing and numbering.

1. A nonmotorized boat 12 feet and under in length.

J. Exemptions from boat numbering.

1. A boat covered by a number still in effect which was awarded pursuant to federal law or a federally approved numbering system of another state, and the boat has neither been in this state for more than 60 consecutive days during any calendar year or been subject to a contract for berth for a period of more than 60 consecutive days during any calendar year in marina facilities located within this state.

2. A boat from a country other than the United States, temporarily using the waters of this state.

3. A boat whose owner is the United States, a state, or subdivision thereof.

4. A racing boat competing in a regatta or boat race approved by the Game, Fish, and Parks Commission or operating during a period not to exceed 48 hours immediately preceding the race and the remainder of the race day.

5. A nonmotorized boat 18 feet and under in length.

K. Applicant for South Dakota boat registration receives.

1. Boat number: Applicant is responsible for permanently affixing this number to the boat.

a. The owner must permanently and securely display the numbers on each side of the forward part of the boat so that the numbers displayed must be not less than three inches in height. They must be in plain block design and in a color that contrasts with the color of the boat. Properly displayed numbers will read from left to right. A space equal to one letter or number must be left between the letters "SD" and the group of three letters. Another space equal to one letter or number must be left between the group of three numbers and the final group of two letters. The only numbers that may appear on the forward part of the boat are the valid numbers assigned to the boat. The numbers must be clearly visible and readable at a distance of 100 feet when the vessel is in the water.

b. Nonmotorized boats, 18 feet and under in length, are not required to display the three inch boat number on the sides of the boat. This includes all nonmotorized boats.

Although the "SD" number does not have to be affixed to a nonmotorized boat 18 feet and under in length, the boat number is still assigned so that there is a tracking mechanism on the computer system. The owner is still required to license a nonmotorized boat over 12 feet in length and must display the annual or three-year license on the boat.

2. Annual boat validation decals.

   a. Decals must be mounted on both sides of the boat, adjacent to and in line with the boat number.

3. Boat registration.
   a. Registration must be kept in the boat.

4. Temporary permits.

   a. Temporary boat permits are available. The permit is issued by the county treasurer upon presentation of the title or (if no title issued) other ownership document or bill of sale. The permit can be purchased for five to fifteen days for a fee of $1 per day.

   b. A boat owned or operated by a person who is participating in a fishing tournament permitted by the Department of Game, Fish and Parks is not required to be numbered, provided the boat has been issued a temporary boat license by the Department of Game, Fish and Parks. The temporary permit is valid in South Dakota for a period of 10 consecutive days. The fee for the permit is $50.

L. Registration of a new or used boat purchased from a dealer (instate or out-of-state).

1. Ownership documents required.

   a. MSO and dealer invoice or purchase agreement (if the dealer price certification has not been completed on the application on new boats).

   b. Title (or other ownership document if title not previously issued) and bill of sale (boat dealer allowed to certify purchase price on application).

2. The applicant will be required to complete a boat application (MV-607).

3. The South Dakota driver's license or social security number of each purchaser must be given. In the case of a company, the FEIN is required. If the company is a sole proprietorship, the owner's South Dakota driver's license number or social security number may be used.

4. Payment of applicable fees.

M. Registration of boat previously registered in another state.

1. Ownership documents required.

   a. Previous state's registration, if available (affidavit of facts if not available) or ownership document.

2. The applicant is required to complete a boat title and registration application (MV-607).

3. The South Dakota driver's license or social security number of each purchaser must be given.

4. Payment of applicable fees.

N. Registration of used boat not purchased from a dealer (instate or out-of-state).

1. Ownership documents required.

a. Title (if previously issued) and bill of sale.

2. The applicant is required to complete a boat application (MV-607).

3. The South Dakota driver's license or social security number of each purchaser must be given. In the case of a company, the FEIN is required. If the company is a sole proprietorship, the owner's South Dakota driver's license number or social security number may be used.

4. Payment of applicable fees.

O. United States Coast Guard Registered Boats.

1. An owner whose boat is registered and documented in accordance with United States Coast Guard regulations is not required to display a South Dakota boat number; nor obtain a title.

2. A boat registered with the Coast Guard that is used on the waters of this state must be registered with the county treasurer and display South Dakota boat decals.

a. The boat is not required to display an "SD" boat number.

b. A title is not issued.

3. Interstate certificate.

a. An interstate certificate will not be issued. The record will indicate "interstate."

b. These boats are subject to 3% excise tax. Application for registration of US Coast Guard documented boats are subject to the 3% excise tax in-lieu-of sales or use tax. All statutes (purchase price defined, exemptions, etc.) applicable to assessment of 3% excise tax on large boats apply to documented boats (see section "R" below).

4. At the time of initial licensing, the boat owner must furnish proof of tax paid on the boat.

a. The license decals are to be attached to each side of the bow of the boat.

b. Boat license decals expire on a staggered registration system with decals expiring the last day of the month of the year for which they are issued.

c. License fees are based on the same fee schedule as other boats.

P. Boat license refunds.

1. There is no provision for a refund of a boat license fee.

Q. Boat serial (hull) identification number.

1. A serial number (hull) identification number is required on any boat whose construction began after October 31, 1972, on any boat that is required to be titled that does not have a hull identification number, and on homebuilt boats.

    a. A serial number (hull) identification number is not required on a boat 1972 and older that is not titled but is required to be licensed.

2. The county treasurer shall assign a serial number on boats required to have a serial number.

    a. An affidavit (DMV:400) for permission for special hull identification number is required.

    b. The number shall be carved, stamped, embossed or otherwise permanently affixed to the outboard side of the transom or, if there is no transom, to the outermost starboard side at the end of the hull that bears the rudder or other steering mechanism, above the waterline of the boat or device in such a way that alteration, removal or replacement is obvious and evident.

    c. The county treasurer may assign a serial number to a boat constructed before 1972.

R. Tax.

1. Excise tax is assessed on large boats (over 12 feet in length or a motor boat of any length, except canoes, inflatable vessels, kayaks, sailboards and seaplanes) purchased or acquired, unless otherwise exempted.

    a. See section entitled, “3% Excise Tax Exemptions".

    b. See section entitled, "Definitions of Purchase Price for Assessment of Excise Tax”.

S. Boats that are exempt from 3% excise tax may be subject to sales tax.

1. Proof of tax paid required on boats purchased from out-of-state dealers and boats previously registered in another state. On boats previously registered in another state (does not include casual sales - sales between individuals), if the applicant has owned the boat for less than three years, proof of tax paid by the applicant will be required, if the applicant has owned the boat for three years or more, no proof of tax paid will be required.

    a. If proof of sales tax paid cannot be furnished, the county treasurer will not proceed with the registration of the boat. Sales tax must be remitted to the Department of Revenue, Sales Tax Division; 445 East Capitol Avenue; Pierre, SD 57501 or to one of the Department of Revenue Sales Tax Field Offices. The procedure is as follows: A copy of the invoice, purchase agreement, bill of sale or other ownership document should be submitted by the applicant to the Sales Tax Division or field office. That office will calculate the amount of tax due and forward a billing to the applicant. When the applicant submits payment of the billing, the copy of the invoice, purchase agreement, bill of sale or ownership document will be stamped tax paid, dated and returned to the applicant. The applicant can then proceed with registration of the boat through the county treasurer's office.

T. Fees (refer to Section A-13).

LOW-SPEED VEHICLE

A. A low-speed vehicle is a 4-wheeled motor vehicle whose speed attainable in one mile is more than 20 miles per hour and not more than 25 miles per hour on a paved level surface.

B. A low-speed vehicle may not be operated on any highway where the speed limit is more than 35 miles per hour.

1. Local government may adopt more stringent local ordinances governing low-speed vehicle operation.

C. Other requirements that a low-speed vehicle must meet:

1. Each low-speed vehicle shall be equipped with: headlamps, front and rear turn signal lamps, tail lamps, stop lamps, reflex reflectors (one red on each side as far to the rear as practicable, and one red on the rear); exterior mirror mounted on the driver's side of the vehicle and either an exterior mirror mounted on the passenger's side of the vehicle or an interior mirror; a parking brake; a windshield that conforms to the federal motor vehicle safety standard on glazing materials (49CFR571.205); a conforming VIN (part 565 Vehicle Identification Number); a type 1 or type 2 seat belt assembly conforming to § 571.209, Federal Motor Vehicle Safety Standard No. 209, seat belt assemblies, installed at each designated seating position.

D. The MSO/MCO or vehicle title must clearly identify the vehicle as a low-speed vehicle.

1. If the title does not clearly designate the vehicle as a low-speed vehicle, a low-speed vehicle affidavit (form # MV-2012) must be completed.

2. The department may not issue a vehicle identification number to any homemade low-speed vehicle or retrofitted golf cart, as these vehicles do not qualify as low-speed vehicles.

E. A low-speed vehicle shall be titled and licensed (noncommercial vehicle fee schedule).

1. A license plate designating the vehicle as a low-speed vehicle is issued.

2. The vehicle must be insured as required by § 32-35-113.

3. An operator must possess a valid driver's license.

4. A vehicle is subject to 3% motor vehicle excise tax.

5. A person engaged in the retail sale of low-speed vehicles must be licensed as a vehicle dealer or used vehicle dealer.

F. A low speed vehicle is exempt from damage and odometer disclosure.

NON-RESIDENT TITLE AND REGISTRATION

A. South Dakota title and registration statutes do not expressly prohibit an out-of-state applicant from titling and registering in South Dakota.

B. An applicant must provide the county where the vehicle will be kept and the applicant's residence post office address (actual address) on the application for title and registration. If an applicant actually resides out-of-state, the applicant's actual address must be used on the application (SDCL 32-3-18 and SDCL 32-5-3).

   1. Residence post office is the location at which a person actually resides.

C. For applicants that are truly nomads (no abodes in this or any other state), an affidavit attesting that the applicant(s) has no residence post office (actual residence) in this or any other state is required before a mailing forwarding address, rather than a residence post office address, can be used on the application.

D. An applicant must provide either a South Dakota driver's license number (SDDL) or Social Security number (SSN). Applicants who list a SSN and do not have a SDDL number must provide a photo copy of a picture ID (e.g. out-of-state driver's license, tribal photo identification) for each applicant listed on the application. The photo copy of the ID must be submitted along with the application (SDCL 32-3-18 and SDCL 32-5-3).

E. Additional information may be requested if needed.

F. Providing false information on the application for title and registration is a felony and anyone doing so is subject to further action by the department.

G. For information on ATV temporary permits for non-residents, refer to SD Title and Registration Procedures Manual, Section B, Pages B-36 through B37, All-Terrain Vehicles and Amphibious Vehicles Section at DMV website: http://dor.sd.gov/Motor_Vehicles/Procedures_Manual/Table.aspx

WHEEL TAX (32-5A)

A. County may, by ordinance, impose a wheel tax on all motor vehicles (auto, truck, motorcycle, house trailers, trailers and off-road vehicles).

   1. Rate may not exceed $4 per vehicle wheel.

   2. Total tax may not exceed $16 per vehicle.

   3. Fee retained by county for highway and bridge maintenance and construction with distribution among county and the municipalities and townships within the county.

   4. Dealer is exempt from tax.

B. Any wheel tax rate in excess of $2 per wheel, ordinance must be published

C. Wheel tax rate may be imposed according to manufactured shipping weight, including accessories and may vary according to the following: 2,000 pounds or less; 2001-4000 pounds, inclusive; 4001-6000 pounds, inclusive; over 6000 pounds.

D. If vehicle licensed for less than 12 months, fee is prorated on a monthly basis.

TRANSFER OF OWNERSHIP WITH POWER OF ATTORNEY

A. Use of Secure Power of Attorney (with conforming title).

1. Federal regulations prohibit the same person from signing a disclosure as both the seller and the buyer in the same transaction

a.. Exception: A secure Power of Attorney may be used if the title is with the lienholder or if the title has been lost and a duplicate title is required.

1. With electronic titles, out-of-state titles may be assigned by a dealer (as seller) with a power of attorney, but the title gives the appearance that there was not a lien (or a duplicate title). In these situations, the power of attorney can be accepted, as long as the title has a recent issue or print date.

B. Use of Non-Secure Power of Attorney (with conforming title).

1. Federal regulations prohibit the same person from signing a disclosure as both the seller and the buyer in the same transaction. Powers of Attorney for other than mileage disclosure purposes and "third party" Powers of Attorney for mileage disclosure are acceptable. (Example, One spouse may give another his/her Power of Attorney to complete and sign a disclosure form in connection with the sale of a vehicle to a third party. The "third party" acting pursuant to the Power of Attorney on behalf of one party, however, must not be an agent of the other party.)

DISPOSITION OF CERTIFICATE OF TITLE THAT HAS BEEN PROPERLY ASSIGNED

A. A South Dakota certificate of title that has been properly assigned should be presented to the county treasurer.

B. The South Dakota driver's license or social security number of each purchaser must be given. In the case of a company, the FEIN is required. If the company is a sole proprietorship, the owner's South Dakota driver's license number or social security number may be used.

1. A matricula consular card or substantially similar document issued by the Mexican Consulate as proof of identification for any purpose is unacceptable (SDCL 1-1-26).

C. All liens shown on the face of the certificate of title should be properly released of record by the proper county treasurer.

1. The county treasurer may accept a title submitted for transfer with an open lien if the lienholder's Notice of Filing form, with the lien release section properly completed, or a properly completed order to cancel lien form is attached to the title.

D. A certificate of title shall be presented within 30 days of assignment.

E. The county treasurer shall send all documents to the Division of Motor Vehicles, no later than the next business day.

1. If the application for certificate of title is presented more than 30 days after the date of sale, in addition to the title fee, the following applies. (NOTE: All fees are assessed from purchase date, regardless of when an applicant applies for title and registration.)

a. A late fee for late application for title.

b. Interest and Penalty (applies to 3% motor vehicle excise tax and 4% initial registration fee). All fees are assessed from purchase date regardless of when an applicant applies for title and registration.

1) The system automatically assesses interest on the tax owed for each month or part thereof for which the tax payment is late at the rate of 1-1/4% or $5, whichever is greater, for the first month; and 1-1/4% per month thereafter on any application made after 30 days from the date of purchase. (Interest is not calculated on interest.)

2) A one-time penalty equal to 10% of the tax or $10, whichever is greater, is automatically applied against any application made after 60 days from the purchase date.

d. In addition, any person applying for a title more than 90 days after the date of assignment is guilty of a Class 2 misdemeanor.

e. If a purchaser fails to comply with transfers of title within 30 days, and the seller files a written complaint attesting to the facts, the purchaser is guilty of a Class 2 misdemeanor.

f. If a purchaser defaults on the terms of the sale within the 30-day period, the seller does not have to deliver the title to the purchaser. The seller must notify the Division of

Motor Vehicles in writing of the seller's refusal to deliver title to the purchaser within 14 days of the purchaser's default on the terms of the sale.

2. If an apparent erasure of the assignment date is found, it will be necessary for the applicant to substantiate the corrected date. This could be done by a bill of sale, sales contract, etc. The penalty would continue to run while the applicant is obtaining proof of the date of purchase.

F. A properly completed Damage Disclosure Statement form, if applicable and if damage disclosure information is not contained on the assignment of the certificate of title, must be attached.

DUPLICATE CERTIFICATE OF TITLE

A. The application for duplicate certificate of title (DMV-010) shall be made to any county treasurer.

1. If title has been issued with names joined by "and", all owners must sign.

B. Application for duplicate certificate of title shall be made by the recorded owner or by a duly authorized agent holding power of attorney. (A copy of the power of attorney document must be attached to the application form.) Duplicate title will be issued in the name indicated in the motor vehicle records. Only address changes will be allowed when an application for duplicate title is made.

C. Application for duplicate certificate of title shall be made only when the original valid title has been lost, mutilated, or destroyed. The mutilated certificate of title shall be attached to the application.

D. Application for duplicate certificate of title shall not be made or accepted by the county treasurer or the Division of Motor Vehicles when the original certificate of title is being held by the lienholder.

E. Prior to the acceptance of the application for duplicate title, the whereabouts of the original title shall be ascertained to prevent there being two documents in circulation for the same vehicle.

F. When there are existing liens, the lienholder's signature must also be on the application, unless a lien release is attached, regardless of whether the title is indicated as owner-held or lienholder-held.

1. If an application for duplicate title in which a lien exists is submitted along with a lien release, the lien will be canceled by the division and the duplicate title issued without the lien. The duplicate title will be mailed to the owner unless otherwise directed.

G. In the event of a name change due to marriage, divorce, or a court order, it will be necessary to issue the duplicate title as the motor vehicle file indicates. The title can then be resubmitted with all appropriate documents in order to accomplish the change of name.

1. If the applicant has changed names since the original title was issued, the application should be signed using the same name as indicated on the computer system;

2. The application may be signed using both names; or

3. If the owner chooses to sign using his/her new name, a notarized affidavit stating he/she is one and the same must accompany the application.

4. If the title is listed only in the name of a trust, the application must be signed by the trustee(s).

5. If the trust appoints multiple trustees with the form of ownership as "and", all of the trustees' signatures are required.

6. The portion of the trust appointing the trustee(s) and the signature page of the trust must be attached.

H. The current odometer reading, when applicable, must be completed on the application.

I. The duplicate certificate of title fee must be collected.

J. In the event the South Dakota driver's license number or social security number has not previously been furnished on each owner on the title, the identification number must be given. In the case of a company,

the FEIN is required. If the company is a sole proprietorship, the owner's South Dakota driver's license number or social security number may be used.

REPLACEMENT OF LOST TITLE DOCUMENT (LOST IN MAIL)

A. In cases where individuals do not receive the original certificate of title through the mail, the county treasurer may waive the fee normally required for a duplicate title. The application for replacement of lost title must be made within ninety (90) days from the date that the application for title was originally made. A replacement (duplicate) title may be issued at no additional charge to the customer.

B. A replacement (duplicate) title may be provided whenever the county treasurer is sure that the customer has never received the original title, and the customer has signed an application for replacement of lost title document (DOR:DMV:299) attesting to that fact. The original title is canceled and the customer is required to return it, should the original turn up later.

C. The application for replacement of lost title document is a two-part form. The original is sent to the Division of Motor Vehicles and will become a permanent part of the vehicle history. The copy is retained by the county treasurer.

D. In cases where the original title was received and then lost, the duplicate title fee must be collected.

CONSIGNMENT SALES BY DEALERS OR PUBLIC AUCTIONS

A. Any dealer or public auction may sell or offer to sell South Dakota titled vehicles/boats on consignment. No person may sell or offer to sell on consignment a motor vehicle/boat that the manufacturer's statement of origin has not been transferred. A titled vehicle that is at least 20 years old and a motorcycle that is at least 30 years old that is not titled in South Dakota may be sold at a public auction if a title is issued in the name of the seller.

1. Dealer to Dealer consignments are prohibited (unless sold at public auction).

2. A dealer is prohibited from using dealer plates or permits on a consigned vehicle.

3. An out-of-state dealer may sell a vehicle that is at least 20 years old or a motorcycle that is at least 30 years old that is titled in the dealer's name (out-of-state title) at public auction if the dealer purchases a temporary permit from the division. The dealer must provide proof that the dealership is in good standing in the dealer's home state and has no outstanding dealer violations. The fee for the permit is $250 if purchased prior to the auction or $500 if purchased at or after the auction. Any dealer in violation shall be denied a temporary permit for a period of one year from the date of the violation.

B. Consignment is defined as: the delivery of a vehicle/boat by the owner into the possession of another without transfer of title for the purpose of sale or where there is any condition that the purchaser does not have an absolute obligation to pay for the vehicle/boat or has a right to return the vehicle to the seller.

C. Public auction is defined as: a business that is open to the public where South Dakota titled motor vehicles/boats are consigned, displayed, and auctioned to the highest bidder by an auctioneer.

D. Auctioneer is defined as: a person who presides over a public auction where following an initial starting price, bids are taken from 2 or more people until a final bid or price is established for a motor vehicle/boat.

E. If a person trades in a vehicle to a dealer or enters into a consignment with a dealer and the vehicle has a lien notated on the title, the parties may agree that the dealer will satisfy the lien. Failure to satisfy a lien constitutes theft.

1. A dealer must satisfy the lien within ten business days after receipt of the funds.

2. Proof of payment of the lien shall be the confirmation number when payment is made on-line or a copy of the check and the certified return mail card if payment is not made on-line.

3. A dealer may not offer the vehicle for sale until payment has been made to the lienholder, except on a consigned vehicle on which the dealer must comply with the terms of the consignment agreement. Proof of payment shall be documented as listed above "2".

F. Any dealer or public auction that sells or offers to sell South Dakota titled vehicles/boats on consignment shall enter into a contract with the consignor. The contract shall contain, at a minimum, the following information:

1. Name and address of consignor (owner);

2. Name and address of consignee (dealer or auctioneer);

3. Vehicle/boat description: title number, year, make serial number;

4. When applicable, completed odometer disclosure;

5. Agreed upon price or range;

6. Agreed upon amount that the owner will pay the dealer or auctioneer;

7. Length of time vehicle/boat will be with the dealer or auctioneer;

8. Disclosure by dealer or auctioneer that the sale is a consignment sale;

9. When applicable, completed damage disclosure;

10. Signature of owner and dealer or auctioneer.

F. The following documents must be available at the dealership or auction prior to sale of a vehicle/boat:

1. South Dakota title in the name of the consignor;

2. Completed and signed consignment sales contract containing information set out above;

3. When applicable, an odometer reading certified by the owner (may be included on contract);

4. When applicable, a damage disclosure statement signed by the owner (may be included on the contract);

5. Federal FTC Buyer Guide must be displayed in a vehicle being offered for sale on dealer lot.

G. The following documents must be available at the dealership or auction upon sale of a vehicle/boat:

1. South Dakota title properly assigned by the consignor (owner);

2. Bill of sale;

3. Prior disbursement of proceeds if lien is indicated (lien must be satisfied and released).

H. A violation of these provisions is a Class 2 misdemeanor.

I. A dealer and auctioneer are required to keep the following records:

1. Dealer or auctioneer must maintain record of consignment sales for 5 years;

2. Dealer or auctioneer must retain a copy of consignment sales contract for 5 years.

J. A dealer or an auctioneer may not sell a vehicle/boat that has a title with a lien on it for less than the full amount of the lien, without the advance written consent of the lienholder. A dealer or an auctioneer may not release the proceeds from the sale of a vehicle/boat with a lien until the lienholder signs a release of the lien. A violation of these provisions is a Class 2 misdemeanor.

K. Every dealer and public auction shall keep books, records and files. A record shall be kept on every vehicle/boat offered for sale, including the serial number or vehicle/hull identification number and a description of the vehicle/boat and the name and address of the owner. If the vehicle/boat is sold, the name and address of the person purchasing the vehicle/boat and the price for which it is sold.

L. All records must be open and available to inspection by a dealer inspector.

TRANSFER OF OWNERSHIP TO OR FROM A JOINT OWNERSHIP

A. Assignment shall be completed in the regular manner from the recorded owner to the joint ownership.

B. No certificate of title shall be issued showing the phrase "and/or" in any joint ownership.

C. Assignment shall be completed from the recorded joint owners to the new purchaser as follows:

1. "John Doe or Mary Doe" shall be assigned by either.

2. "John Doe and Mary Doe" shall be assigned by both.

3. "John Doe and Mary Doe, with rights of survivorship (WROS)" shall be assigned by both except on death of one, may be assigned by the survivor, when a certified copy of death certificate is attached to the certificate of title.

D. If a document had previously been issued by the State of South Dakota with the joint ownership shown as "and/or", form of ownership shall be construed as "or" and the title may be assigned by either owner.

E. Any owners desiring to change the type of joint ownership shall assign the certificate in the proper manner and present the same for transfer with the required title fee. The appropriate exemption must be noted on the MV-608 or the MV-609 and must be attached and signed. A Damage Disclosure Statement is not required when a title, issued in the names of two or more persons, is being transferred without consideration to one or more such persons (Exemption #3).

F. The form of ownership on an out-of-state title shall be construed in the same manner as a South Dakota title.

TRANSFER OF OWNERSHIP DUE TO MARRIAGE NAME CHANGE

A. Assignment shall be made in the same manner as any other transfer except on the reverse side of the certificate of title, the owner must sign as seller using the exact name as shown on the face of the certificate of title and then type or print her correct married name as purchaser. The title fee shall be charged.

B. The legal given name shall be used.

C. No Damage Disclosure Statement is required.

D. Exemption #97 shall be used to indicate that no tax is due.

TRANSFER OF OWNERSHIP BY COURT ORDER

A. The county treasurer shall require the surrender of the certificate of title covering the vehicle(s) involved, along with the original court order (or a certified copy thereof), the required title fee, and an application for South Dakota certificate of title (MV-608) signed by the person granted ownership of such vehicle(s). An application for each vehicle covered will be required.

B. No Damage Disclosure Statement is required.

TRANSFER OF OWNERSHIP BY INHERITANCE/ SUCCESSION

A. No probate of estate.

1. An Affidavit of Vehicle Ownership by Succession shall be completed where there is not sufficient other property to warrant probate proceedings in the matter of the estate of the deceased.

   a. If a South Dakota resident inherits a vehicle (not through probate) that is titled in another state, the applicant should apply for title through the state where the decedent lived. There have been some exceptions to this when the state involved will not title the vehicle because it is not present in that state or because the applicant is not a resident of that state. In these situations, an affidavit from the applicant stating this fact is required to title the vehicle in our state. In most instances, however, an affidavit of succession should only be used for South Dakota titled vehicles.

2. The county treasurer shall require the surrender of the South Dakota certificate of title covering the motor vehicle set out in the Affidavit of Vehicle Ownership by Succession. (If the certificate of title is not available, a general affidavit shall be attached stating such fact. A duplicate title would not be issued.) The Affidavit of Vehicle Ownership by Succession vesting ownership of such motor vehicle in the name of the immediate heir(s) or successor(s), a properly completed Damage Disclosure Statement form completed by the applicant (if applicable and if damage disclosure information is not contained on the certificate of title), an application for title (MV-608) completed by the heir(s) or successor(s), and the title fee are also required.

3 The certificate of title shall be issued to the immediate heir(s) or successor(s) listed as being granted ownership of the vehicle in the Affidavit of Vehicle Ownership by Succession. The Affidavit of Vehicle Ownership by Succession shall not be used to transfer ownership from heir(s) or successor(s) to purchaser. The title must first be secured in the name of the heir(s) or successor(s) and properly assigned.

4. The South Dakota driver's license or social security number of each successor the title rests in must be given.

5. If more than one vehicle is involved, a separate Affidavit of Vehicle Ownership by Succession shall be completed for each vehicle.

B. Probate of estate - Personal representative transfers title to heir.

1. The county treasurer shall require the surrender of the South Dakota certificate of title. (If the title cannot be located, the personal representative must apply for a duplicate before transferring title to the heir.) A copy of the papers appointing the personal representative, a properly completed Damage Disclosure Statement form by the applicant, an MV-609 exemption form (exemption #2) completed by the applicant, and the title fee are also required.

a. If a resident inherits a vehicle titled in another state through probate (letters of appointment of an administrator or executor) a South Dakota title can be applied for with copies of the probate papers.

2. The certificate of title shall be issued to the heir(s).

3. The South Dakota driver's license or social security number of the applicant(s) must be given.

C. Probate of estate - Personal representative selling vehicle.

1. The personal representative completes the assignment of title, and attaches a copy of the papers appointing him/her as personal representative. (If the title cannot be located, the personal representative must apply for a duplicate before transferring title to the purchaser.)

TRANSFER OF OWNERSHIP BY FORECLOSURE OF A LIEN

A. Foreclosure of a lien upon a motor vehicle shall be governed by the laws pertaining to foreclosure of chattel mortgages.

B. Filing of such lien shall not be required as a condition precedent to foreclosure.

C. The register of deeds shall require the surrender of the certificate of title covering the vehicle(s) involved, along with an affidavit of publication or public posting of such notice of sale, bill of sale executed by a person authorized to hold such a sale, certified copy of the lien instrument upon which foreclosure action is based, a properly completed Damage Disclosure Statement form, if applicable, a title fee, application for certificate of title signed by the purchaser, and any applicable 3% excise tax.

D. If a notation of lien has been made on the title or MSO by the seller, buyer, owner or holder of the instrument, it shall be valid against the creditors of the debtor, whether armed with process or not, and subsequent purchasers and other lienholders or claimants, but otherwise is not valid against them.

TRANSFER OF OWNERSHIP BY AFFIDAVIT OF REPOSSESSION

A. The county treasurer shall require the surrender of the South Dakota certificate of title (if available) showing the proper notation of the lien on which repossession is based. If the motor vehicle records indicate that the title is lienholder-held and the title is not available, a statement indicating why the title is not available should be submitted with the other required documentation. If the motor vehicle records indicate that the title is a SD electronic lien and title (ELT) record, the title is not required.

B. The lien should be properly noted on the certificate of title or on the record (ELT). Other documents required are a photostatic copy of lien instrument, application for certificate of title signed by the lienholder, affidavit of repossession and the title fee.

C. The lien noted on the certificate of title or title record (ELT) shall not have been released by the county treasurer. Cancellation of the lien, however, does not prohibit obtaining title by repossession.

D. No Damage Disclosure Statement is required.

E. A Dealer Car Auction Agency may accept a vehicle for sale by a financial institution chartered or licensed in another jurisdiction in which the title is not in the name of the entity, provided the title is in the name of the customer and has the proper documentation required supporting a repossession transaction.

1. The out-of-state title must be provided.

2. The affidavit form or other such document that is required by the customer's or lienholder's title state that allows the lienholder to assign the out-of-state title without obtaining a repossession title, must be submitted.

3. A lienholder is required to obtain a repossession title, if from a state that requires a lienholder to obtain a repossession title prior to selling a repossessed vehicle.

NOTATION AND CANCELLATION OF LIEN

A. A lien against a vehicle that is covered by a valid South Dakota certificate of title shall be noted on the original certificate of title to be operative under the certificate of title law.

1. If a notation of lien has been made on the title or MSO by the seller, buyer, owner or holder of the instrument, or an agent of the secretary, it shall be valid against the creditors of the debtor, whether armed with process or not, and subsequent pur;chasers and other lienholders or claimants, but otherwise is not valid against them.

2. A lien that is noted electronically is considered perfected as if a paper title were issued and a lien noted on it.

B. Prior to January 1, 1991, a certificate of title denoting a lien was forwarded to the lienholder.

C. Effective January 1, 1991, a certificate of title denoting a lien was returned to the owner upon issuance by the DMV, unless otherwise directed by the owner. The lienholder(s) received a Lienholder's Notice of Filing Certificate. The owner was required to indicate on the application (MV-608) if the title was to be returned to the lienholder. If no notation was made, the title was returned to the owner. No changes denoting who receives the certificate of title were allowed once an application was accepted by the county treasurer.

D. Effective October 1, 2012, the DMV implemented an Electronic Lien and Title (ELT) System. As a result, a title certificate is no longer printed on any title that is issued that indicates a lien.

1. Lenders have the option to utilize a third party provider that will provide a lender with electronic notices of title and lien when a record is issued in the state system. A list of providers can be found at: http://www.state.sd.us/drr2/motorvehicle/ELT.htm.

2. Lenders that do not participate through a provider will not receive notification that advises them of a title issuance or lien perfection; however, access to search the state's title system to verify title and lien records is available online at: SDcars.org (click on VIN√).

3. For additional information on ELT, visit the ELT site listed above.

E. On an assigned South Dakota certificate of title, all liens to be shown on the new certificate of title to be issued by the DMV shall be noted in the proper space provided in the assignment blank on the reverse side of the certificate of title.

1. The name of the purchaser, complete address and lien information shall be either typewritten or printed.

2. A lien notation fee shall be assessed for each lien noted thereon.

3. It shall be the responsibility of the recorded owner to institute action to have a corrected certificate of title issued in case of an error in issuance.

F. No lien shall be noted on the file with the county treasurer unless the lien is noted on the original certificate of title or a valid lawfully issued duplicate title.

G. The county treasurer shall not be required to file or record a chattel mortgage or similar instrument covering a motor vehicle only. Notation of such instrument shall be made on the certificate of title.

H. In case of a mixed mortgage where the security includes a motor vehicle and other chattel property, the county treasurer shall not refuse to file or record such mixed mortgage. The filing of such mortgage against the car shall have no effectiveness.

I. On a mixed mortgage, the lien on the motor vehicle shall be noted on the certificate of title or title record (ELT) in order to be effective, and the notation fee collected.

J. Procedures for Lien Notation:

1. **Notation of a Lien (Paper Title Exists):**

   a. The owner or lender must present the original South Dakota certificate of title (or valid duplicate) and a copy of the security agreement to the county treasurer of the owner's county of residence. A lien notation fee of $5 must also be submitted. The lien will be noted on the system and the title submitted to the DMV where it is hold electronically until the lien is released.

2. **Notation of a Subsequent Lien on an ELT Record:**

   a. A copy of the security agreement and a $5 lien notation fee is submitted to the county treasurer's office of the owner's county of residence. The lien will be noted on the system and the title record remains electronic.

K. Procedures for Release of Lien (under law, the lender has 20 days after final payment is received to execute a lien release):

1. **Release of Lien on an ELT Record (Participating Lender):**

   a. Upon release of a lien, a participating lender will release a lien electronically through its provider. Upon receipt of the electronic lien release, provided there are no additional liens, the title will be printed and mailed the following business day to the owner, unless directed otherwise by the lender. No fee for lien release.

2. **Release of Lien on an ELT Record (Non-Participating Lender):**

   a. A lien release is submitted to a county treasurer's office. Provided there are no other liens, the title is printed and mailed the following business day to the owner, unless otherwise indicated on the release. No fee for lien release.

3. **Release of Lien on Paper Title:**

   a. The paper title and a lien release are submitted to a county treasurer's office. The lien is released on the paper title and returned to the owner, unless otherwise indicated on the release. No fee for lien release.

L. If a person trades in a vehicle to a dealer or enters into a consignment agreement with a dealer and the vehicle has a lien noted on the title, the parties may agree that the dealer will satisfy the lien.

1. Failure to satisfy a lien constitutes theft.

2. The dealer must satisfy the lien within 10 business days after receipt of the funds.

a. Proof of payment of the lien shall be the confirmation number when payment is made online or a copy of the check and the certified return receipt mail card, if payment is not made online.

M. A lien release can accompany an application for duplicate title. The lien shall be cancelled by the DMV and the duplicate title issued without the lien.

1. The application for duplicate title, along with the lien release, shall be forwarded to the DMV with the proper fee. The duplicate shall be issued without the lien.

2. Disposition of the duplicate title shall be to the owner, unless otherwise directed.

NOTIFICATION FOR NOTATION OF LIEN ON PAPER TITLE

A. The title shall be presented to the county treasurer of the county of record.

1. When the certificate of title or a valid duplicate is presented, the lien shall be noted by the county treasurer on the certificate of title and the computer system and the certificate submitted to the DMV. The title is held electronically until all liens are released, at which time a paper title is printed.

2. If the certificate of title is not presented, the lienholder shall complete the "Intent to Notify Owner" (DMV:305). The county treasurer shall then notify the owner or the lienholder (in those instances where the lienholder is holding title) by "Notification to Submit Title" (DMV:306), retaining a copy of such notice, to surrender the certificate of title within fifteen days for the purpose of noting a lien or an additional lien.

3. The certificate of title shall be submitted to the DMV where it is held electronically until all liens are released.

4. The lien shall be entered on the file. A lien notation fee is assessed.

B. If the owner, or in the case of an already existing lien, the first lienholder, in those instances where the title is being held by the lienholder, does not comply with the county treasurer request to surrender the certificate of title within fifteen days for notation of a lien or an additional lien, the county treasurer shall inform the lienholder by "Intent to Notify Owner" (DMV:305).

C. The holder of a certificate of title who refuses to deliver a certificate of title shall be liable for damages to such subsequent lienholder for the amount of damages suffered by reason of the holder of the certificate of title refusing to permit the showing of the lien on the certificate of title.

D. No lien shall be noted on the file, unless the lien is properly noted on the original certificate of title, or a valid duplicate.

ASSIGNMENT OF LIENS

Below are procedures to be followed in assigning a lien from one bank to another:

A. The bank that the lien has been assigned to or the owner of the vehicle should present the following to the county treasurer of the county the vehicle is registered in:

   1. Lien assignment agreement signed by representatives of each bank;

   2. Certificate of title, unless ELT.

B. The county treasurer will note on the system and on the lien notation area on the title beside the original lienholder, the name of the bank the reassignment is being made to, the date the reassignment is being made, and the signature of the county treasurer. As set out in statute, the lien notation fee should be assessed.

C. The county will change the computer system to reflect the reassignment and retain copies of the lien assignment.

MECHANICS LIEN PROCEDURE

A. Property that is unclaimed by owner for a period of 90 days after written notice of intent to sell the property is given to the owner and lienholder(s) by certified mail.

   1. Refer to Unclaimed Vehicle Due to Unpaid Repair Bills section, for vehicles left unclaimed as the result of an unpaid repair bill.

B. If lien not on file with the register of deeds, must file a sworn lien statement with the register of deeds. The statement must contain the following: name and address of owner and any lienholders; description of property sufficient to identify it; approximate location of property; date the lien is claimed to have arisen; amount claimed as a lien; circumstances out of which lien is claimed.

C. Sworn statement and post office receipt for mailing **f**iled with register of deeds in county in which property located.

D. No title is issued before the public sale.

E. Notice of sale containing the following information: name and address of owner and any lienholders; description of property sufficient to identify it; location of property; statement of grounds for which lien claimed and reference to its filing with the register of deeds; nature of the default; amount claimed to be due at date of notice; time and place of sale mailed to property owner and any lienholders.

F. Publication of notice of sale in at least one issue of newspaper published in county at least 10 days before the sale.

G. Sale:

   1. Sale must be held at public place. If held elsewhere, must set out all facts for not holding the sale in a public place and give a description of place at which sale will be held;

   2. Sale cannot be held on Sunday or other legal holidays and must be held between 10:00 AM and 5:00 PM;

   3. Sale must be made at public auction to highest bidder for cash. It is not necessary to use an actual "auctioneer" to conduct the sale.

   4. Purchaser receives a bill of sale from the party making the sale or a report of the sale that is filed with the register of deeds within 5 days of sale.

H. The lienholder or his agent shall make a sworn report of the proceedings to the register of deeds within 5 days of the sale. The report must contain the following: proof by affidavits of giving notice of the sale, including a copy of the notice; an account of the sale, showing items sold, amounts bid and paid and names and addresses of purchasers; amount due on the lien, together with costs and disbursements of the sale and the surplus or deficiency remaining, if any.

TRANSFER OF OWNERSHIP ON AN UNPAID REPAIR BILL VEHICLE/BOAT - UNCLAIMED VEHICLE/BOAT

A. A person may apply for a title on a vehicle/boat that is left unclaimed, as the result of an unpaid repair bill on private property for a period of 30 days.

1. Written notice of intent to apply for a title must be given the owner at the last known address, and any lienholder or identifiable insurer by certified mail.

2. The notice shall be on a form prescribed by the department.

B. If an owner cannot be identified, a notice must be published once in a newspaper where the vehicle/boat was left for repair.

C. Title will vest with the person to whom the unpaid repair bill is payable and who has complied with all the requirements after 30 days from the date the notice was sent.

D. If the owner, insurer, or lienholder intends to reclaim the vehicle/boat, notification of intent to reclaim the vehicle/boat must be sent to the department and the repair facility within 30 days of receipt of the notice.

1. If the vehicle/boat is not reclaimed or removed within 30 days after mailing of the notice of intent to reclaim the vehicle/boat, title irrevocably vests in the person to whom the repair bill is payable and who has complied with the requirements.

E. The vehicle/boat must be sold at public auction and any excess money above settlement of the debt must be forwarded to the prior owner, insurer, and any other party with a legal interest in the vehicle/boat. It is not necessary to use an actual "auctioneer" to conduct the sale.

F. If the owner, insurer, and any lienholders are unidentifiable or not able to be contacted, the excess money shall be sent to the state treasurer and treated as unclaimed property.

G. An application for title (MV608); the green certified return receipt card, along with a copy of the completed form MV 301 (Unclaimed Vehicle: Due to Unpaid Repair Bill), or in the event the certified letter is returned unclaimed, the unopened letter and a copy of the MV 301 (Unclaimed Vehicle: Due to Unpaid Repair Bill); and a $5 title fee are submitted to the county treasurer's office of the applicant's county of residence.

CORRECTIONS/RECALLS OF SOUTH DAKOTA CERTIFICATE OF TITLE/REGISTRATION

A. ARSD 64:28:10:03 states: Either the county treasurer, the dealer, or the owner shall return certificates of title with errors for correction to the department with a statement of facts explaining the reason for the correction. The dealer and owner are responsible for assuring that the issued title contains accurate and correct information.

B. On assignment of South Dakota certificate of title, it shall be the responsibility of the purchaser to see that his name is properly entered and that his name and address are legible.

C. A correction shall be free of charge when the Division of Motor Vehicles is responsible for the error. When the applicant is responsible for the error, however, a title fee shall be assessed.

D. A certificate of title with an error is returned to the county treasurer with a statement of facts for correction. The title fee is collected. If the fee is not required, it shall be returned.

E. A current odometer reading, when applicable, must be submitted with the request for correction.

F. If it appears at any time that an applicant for a title or registration of a vehicle is not entitled thereto, the secretary may refuse to issue a title or to register any vehicles owned by the person.

G. If it is determined that the titleholder or lienholder was not entitled to a title or registration already issued, the division shall send a certified notice to the titleholder or lienholder that the title or license plate will be revoked and canceled 10 days after the date of receipt, refusal to accept receipt, or the last day the postal service attempted delivery. The notice shall demand that the titleholder or lienholder return the title or license plates.

1. If the owner or lienholder believes that the title or registration should not be revoked, the owner may request, in writing, a hearing. The hearing must be requested prior to the effective date of the title or registration revocation.

2. Intentional use of title after receiving the department's notice of revocation is a Class 1 misdemeanor.

VOID CERTIFICATE OF TITLE

A. Any alteration or correction on the certificate of title, either on the face or reverse side of the document, voids the certificate of title.

B. Only one certificate of title shall be in existence on a vehicle.

C. The issuance of a duplicate certificate of title shall automatically void the previously issued document.

D. When an original certificate of title is lost and a duplicate certificate of title issued, if the original title is found, the original title shall be void and forwarded to the Division of Motor Vehicles.

REQUIRING SOUTH DAKOTA DRIVER'S LICENSE NUMBER OF SOCIAL SECURITY NUMBER

A. South Dakota driver's license or social security number required (SDCL 32-5-3, 25-7A-56.2).

1. Effective July 1, 1997, a South Dakota driver's license number or social security number has been required on all owners to be shown on the title at time of titling and registration.

2. An applicant that lists a social security number and who does not have a South Dakota driver's license must provide a photo copy of a picture ID (e.g., out-of-state driver's license or tribal photo identification. This applies to each applicant indicated on the application.

   a. An applicant must also provide the county in which the vehicle is to be kept (regardless of state).

   b. An applicant must also provide his/her residence post office address. An out-of-state resident is not prohibited from registering in South Dakota. An applicant must provide his/her actual resident address, which can be out-of-state.

3. An applicant using a PMB or mail forwarding address must attest (Affidavit Claiming Lack of Residence/MV3020) that he/she claims no residential post office address in this or any other state. If a person does claim residence in another state, the applicant is required to list that address on the application.

B. Federal employee identification number (FEIN) required (32-5-3, 25-7A-56.2).

1. Effective July 1, 2008, the federal employee identification number is required on all businesses shown on the title at the time of titling and registration. An owner's South Dakota driver's license number or a social security number may be used in-lieu-of a FEIN when they are the sole proprietor of a business.

C. A matricula consular card or substantially similar document issued by the Mexican Consulate as proof of identification for any purpose is unacceptable (SDCL 1-1-26).

DESTROYED VEHICLES

A. When a vehicle is permanently destroyed, crushed, or compacted so that it can no longer be used on the public highways or used for parts, the owner should remove the plates. As long as the plates are valid (not expired), they may be assigned to a newly acquired vehicle, upon proper registration of the vehicle with the county treasurer.

   1. Once unattached, expired plates are no longer valid and should be destroyed.

B. The title certificate should be submitted within 15 days to the Division of Motor Vehicles or the county treasurer. An affidavit from the owner, stating that the vehicle has been completely destroyed, is required.

C. The division shall cancel the title on its records, but shall keep an appropriate record of all vehicles destroyed, crushed or compacted and denoting the name and address of the last owner.

D. If the title shows any lien, the lienholder's consent to the cancellation, shall be endorsed on the certificate of title.

E. It is a Class 6 felony for the owner to remove the vehicle's identification number or other identification numbers.

SOUTH DAKOTA MOTOR VEHICLES TRANSFERRED BY AN INSURANCE COMPANY

A. An insurance company authorized to do business in this state may not reassign a South Dakota title on a vehicle acquired as the result of an insurance claim settlement (change effective July 1, 2005). Refer to salvage title law procedures.

B. On an out-of-state title, if that state permits an insurance company to reassign a title, the assignment will be honored.

JUNKING CERTIFICATE/PARTS ONLY VEHICLE RECORD

Any owner of a motor vehicle that is being dismantled for the purpose of selling its parts shall apply for a junking certificate or shall have the record converted to a junking certificate/parts only record.

A junking certificate is not issued on a manufactured home or a snowmobile.

A. If an owner prefers that a vehicle be permanently removed from the roads and highways, a junking certificate may be applied for.

1. If a junking certificate is issued for a motor vehicle, it may never be issued a regular title.

2. Application for Junking Certificate:

a. The certificate of title must accompany an application for junking certificate (MV-608).

b. If the title shows any liens, the lienholder's consent to the issuance of the junking certificate shall be endorsed on the title.

c. A title fee is required.

d. The South Dakota driver's license or social security number of each applicant must be given. In the case of a company, the FEIN is required. If the company is a sole proprietorship, the owner's social security number or driver's license number may be used.

B. In the event the vehicle displays valid plates, the owner should remove the plates. As long as the plates are valid (not expired), they may be assigned to a newly acquired vehicle, upon proper registration of the vehicle with the county treasurer.

1. Once unattached, expired plates are no longer valid and should be destroyed.

C. Procedure for "Parts Only Vehicle" record conversion.

1. This procedure applies to South Dakota titled and out-of-state titled vehicles.

When a vehicle is being dismantled for the purpose of selling its parts, a recycler/salvage dealer may request that the Division of Motor Vehicles convert the vehicle's record to a "Junking Certificate/Parts Only" record. This shall be accomplished by stamping the front and back of the South Dakota or out-of-state title as "parts only vehicle." Care should be taken to assure that pertinent title information is not covered by the stamp. The stamp must also contain the name and address of the dealer. The original stamped title must be submitted to the division, with a copy of the front and back of the title (after stamping) being retained by the dealer (retention shall be for 5 years after the vehicle is dismantled). The division will cancel the title by using a code that designates the vehicle as a part's only vehicle (the condition field on the computer system will display a "P"). In this situation, a certificate of title is not issued.

When a stamped South Dakota or out-of-state title that has not been issued in the name of the dealer is submitted for conversion of the record to a "parts only vehicle," a $5 fee is assessed (fee must be submitted with title). The fee covers the cost of adding and/or updating a record to reflect current ownership information. A fee is not assessed when a South Dakota title that is already in the name of the dealer is submitted for conversion to a "parts only vehicle" record.

At the option of the dealer and in place of the above “parts only vehicle” record conversion procedure, when a vehicle is being dismantled for the purpose of selling its parts, application for a junk certificate of title shall be made. In this situation, a certificate of title ($5 fee) is issued.

SAMPLE OF STAMP:

PARTS ONLY VEHICLE
SMITH RECYCLING
000 MAIN
ANYTOWN USA

TITLE ON MOTOR VEHICLE MANUFACTURED BY A PERSON (HOMEMADE TRAILERS)

A. Application for a title on a motor vehicle manufactured by a person who registers it under the laws of this state.

1. Every owner of a motor vehicle that is operated or driven upon the public highways of this state shall present to the county treasurer of his county an application for the registration of that vehicle. The application must be filed in the county of the new applicant's residence.

2. The South Dakota driver's license or social security number of each applicant must be given. In the case of a company, the FEIN is required. If the company is a sole proprietorship, the owner's social security number or driver's license number may be used.

3. Any person who intentionally falsifies information required on the application or provides erroneous information is guilty of a Class 6 felony.

4. The division will not accept an incomplete application form or an application form, which the division considers erroneous.

5. The application must be signed by the record owner(s) or by an authorized agent for the record owner(s). If the application is signed by an authorized agent, a power of attorney document must be attached to verify the appointment.

B. No excise tax is assessed on first application for homemade trailer, as sales tax has been assessed on the materials purchased to construct the trailer. Tax Code 97 should be used on the initial application.

1. Excise tax is assessed on the purchase price on all future transactions.

C. Payment of a title fee and any license fees as may be required must be collected.

D. All the above-indicated forms, properly completed, must be submitted to the applicant's county treasurer.

TITLE ON A REBUILT VEHICLE

A. To license a rebuilt vehicle, the owner must apply to the Division of Motor Vehicles for a rebuilt title. Vehicle must be in running order before the original forms are submitted to our office. [A snowmobile is subject to the rebuilt process, but a title branded rebuilt is not issued on a snowmobile.]

1. Application for title (MV-608) and title fee.

   a. The South Dakota driver's license or social security number of each applicant must be given. In the case of a company, the FEIN is required. If the company is a sole proprietorship, the owner's social security number or driver's license number may be used.

2. Complete the Affidavit for Rebuilt Vehicle (MV-950) form, which may be obtained from the county treasurer.

3. Titles or bills of sale establishing ownership must be attached.

4. Receipts for parts must be attached.

5. $25 special serial number fee (check is to be made out to applicant's county treasurer).

B. All of the above-indicated forms, properly completed, and fees must be submitted through the county treasurers' offices.

C. Rebuilt vehicles are subject to inspection by the Highway Patrol or an employee of the Department of Revenue.

D. The year on the rebuilt title shall be the year indicated in the identification number. If the identification number is missing, the year shall be the year of the body. If the year of the body is indistinguishable, then the year on the title shall be the year the vehicle was rebuilt.

E. Each new certificate of title shall have noted thereon that the vehicle has been rebuilt.

F. When a vehicle that has been rebuilt is eligible for registering and licensing in South Dakota, the 3% excise tax will be based on the actual cost of the vehicle.

   a. Any part used in a rebuilt motor vehicle or motor vehicle manufactured by an applicant, previously subjected to sales tax, use tax, motor vehicle excise tax, or similar tax by this or any other state or its political subdivision, is not subject to the 3% motor vehicle excise tax, if the applicant applies for registration of the motor vehicle in this state within five (5) years from the purchase date of the part.

G. A temporary permit may be used when the vehicle is enroute to a place of inspection.

H. After the motor vehicle is inspected, the owner may take his copy of the certificate of inspection to the county treasurer, purchase his license plates (or request attachment of license plates) and pay any tax owed. Once the Division of Motor Vehicles is notified that the inspection is complete and has verified that the correct amount of tax has been paid, a rebuilt title will be issued.

I. A vehicle whose title has been stamped as non-rebuildable, parts-only, junk, or a similar notation by another state can only be issued a South Dakota junking certificate. A rebuilt title cannot be issued on the vehicle. The vehicle may be used as parts to rebuild another vehicle.

J. A motorcycle that is built with all new parts; has a 17-digit serial number on the frame; and has a MSO (Manufactures Statement of Origin) on the major parts (frame, engine and transmission), does not require the $25 special serial number fee. The motorcycle may be inspected. The make of the motorcycle will be “Kit” and the model will be “Custom”.

SERIAL NUMBERS

A. If a serial number of a motor vehicle, trailer, or semitrailer is changed, the owner shall make application for a rebuilt title.

B. Whenever the serial number is illegible, destroyed, or obliterated, the Department of Revenue shall assign a distinguishing serial number to any motor vehicle, manufactured trailer that weighs over 3,000 pounds, or semitrailer or any component part thereof.

1. If a number is assigned by the department, the owner shall have the number attached by an employee of the Department of Revenue or the Highway Patrol.

2. On manufactured trailers that weigh 3,000 pounds or under and homemade trailers, the county treasurer shall assign a serial number that the applicant is responsible for stamping on the trailer. Upon placement of the assigned number on the trailer, a physical inspection must be made of the assigned number on the trailer by a law enforcement officer and verified thereto on the Permission for Special Serial Number form (DOR:DMV:26).

   a. When a manufactured trailer that weighs 3,000 pounds or under is assigned a special serial number by the county treasurer, the application for title shall denote the manufacturer's vehicle information (year, make, and model).

3. The vehicle shall then be registered under the assigned number when such registration is required.

4. Existing liens on the motor vehicle, trailer or semitrailer shall continue to be shown thereon.

5. The new certificates of title shall be delivered to the owner, unless otherwise directed by the owner, on surrender of the former certificate of title.

6. The removal, alteration, or failure to have the serial number attached is a Class 6 felony.

7. The fee for issuance and attachment of serial number is $25.

C. If a travel trailer is converted to a trailer, a weight slip is needed. The title must be submitted for correction of the type of vehicle from a travel trailer to a trailer. A new serial number is not required. A trailer conversion does not require a new serial number, because the serial number does not distinguish and determine the type of trailer.

D. If a motorcycle or vehicle is changed, a new serial number is required (i.e., a motorcycle converted to a three-wheel motorcycle, title would be issued as assembled, rebuilt). A motorcycle conversion requires a new serial number, because the serial number distinguishes and determines the type of motorcycle.

FERTILIZER VEHICLES

A. Any self-propelled fertilizer applicator must be titled and licensed.

1. A self-propelled sprayer/spreader/fertilizer applicator owned and operated by a farmer is exempt from licensing and titling. However, a sprayer/spreader/fertilizer applicator that is mounted on a truck chassis must be licensed and titled, if driven on the roads or highways (farmer not exempt);

2. A self-propelled sprayer/spreader/fertilizer applicator used commercially must be licensed;

3. A sprayer/spreader/fertilizer applicator requiring licensing is licensed under the noncommercial declared gross weight fee schedule;

4. A dealer selling sprayers/spreaders/fertilizer applicators is required to be licensed. Assessment of tax is dependent on whether it is exempt from the licensing requirement. If the unit is sold to a farmer and not required to be licensed, the dealer must collect the 4 percent agricultural sales tax. If the unit is sold for a commercial endeavor and must be licensed, 3 percent excise tax applies.

B. Application for a South Dakota motor vehicle title (MV-608).

1. Every owner of a motor vehicle that is operated or driven upon the public highways of this state shall present to the county treasurer of his/her county an application for the registration of that vehicle. The application must be filed in the county of the new applicant's residence.

   a. The South Dakota driver's license or social security number of each applicant must be given. In the case of a company, the FEIN is required. If the company is a sole proprietorship, the owner’s social security number or South Dakota driver’s license number may be used.

2. Any person who intentionally falsifies information required on the application or provides erroneous information is guilty of a Class 6 felony.

3. The division may not accept an incomplete application form or an application form, which the division considers erroneous.

4. The application must be signed by the record owner(s) or by an authorized agent for the record owner(s). If the application is signed by an authorized agent, a power of attorney document must be attached to verify the appointment.

C. A manufacturer's statement of origin (MSO) or out-of-state title or bill of sale, properly transferred to the applicant, must be attached. If there is no weight on the MSO, a weight slip will be required. A purchase order or sales contract must be attached.

1. Purchase price on a new vehicle with a trade-in is the total consideration, whether received in money or otherwise, minus the trade-in value allowed by the seller.

2. Purchase price on a new vehicle with no trade-in is the total consideration whether received in money or otherwise.

   a. Total consideration must include cash down payments, rebates, money and any other item given in consideration of the vehicle.

b. Discounts are allowed, but a purchase agreement is required to substantiate the discount.

3. The license fee for fertilizers is based on the declared gross weight fee schedule.

D. Payment of the correct amount of 3% excise tax, a title fee, and any license fees as may be required must be collected. Failure to pay the full amount of excise tax is a Class 1 misdemeanor.

E. A properly completed Damage Disclosure Statement form, if applicable, must be attached to the application.

F. All of the above-indicated forms, properly completed, must be submitted through the county treasurer.

G. Fertilizer trailers pulled by a noncommercial vehicle, on which the license fees were paid under the declared gross vehicle weight schedule, may display a trailer identification plate.

H. Leases on fertilizer vehicles.

1. When a fertilizer vehicle is being leased in South Dakota by a South Dakota company, tax is due on the lease payments. A 30-day commercial permit is not sold.

2. When a fertilizer vehicle is owned by an out-of-state fertilizer company doing work in South Dakota, but not being rented or leased to another company in South Dakota, a 30-day commercial permit can be obtained and title and license in South Dakota are not required. More than one 30-day permit may be issued.

a. It is necessary to receive proof of registration from North Dakota (if the unit is mounted on a truck chassis; if the unit is not mounted on a truck chassis, North Dakota considers these as implements of husbandry) and Nebraska. Iowa and Minnesota will not be required to submit proof, since these units are not required to be registered or licensed in these states. If, however, the unit is going to be in South Dakota on a permanent basis, the unit must be taxed, titled and licensed in South Dakota.

3. When a fertilizer vehicle is being leased by a South Dakota company, who is renting or sub-leasing it from an out-of-state company, tax is due on the lease payments. The unit should be titled in the first lessor's and lessee's names (both lessor and lessee may be out-of-state).

4. When a fertilizer vehicle is being leased by a South Dakota company who is renting or sub-leasing it from another South Dakota company, tax is due on the lease payments. The unit must be titled in the first lessor's and lessee's names.

5. Farmers who lease are exempt from titling and licensing, unless the unit is being used commercially.

I. See leased fertilizer vehicle that is leased for more than 28 days section entitled "Titling Leased/Rented Motor Vehicles" (B-24).

TRAILERS EXEMPT FROM LICENSING

A. The following categories of trailers and/or semitrailers are exempt from vehicle licensing requirements (these trailers can be titled).

1. Auxiliary axles: This includes converter dollies, converter gears, jeep axles, etc.

2. Implements of husbandry: This includes hay grinders, feed mixers, grain cleaning machines, livestock loading chutes, etc.

    a. The only farm trailers on which a license plate is required are stock trailers, gooseneck trailers and semitrailers.

3. Special mobile equipment: This includes log splitters, air compressors, welders, generators, cement mixers, street sweepers, barbecue pits, tar pits, stump grinders, tree chippers, tree spades, etc. (These are specialized trailers on which only the special equipment is hauled on the trailer. In the event anything additional is hauled on or in the trailer, the trailer must be titled and licensed.)

4. Car tote or tow dolly: This includes the device often seen behind a motor home used for transporting a car behind the motor home. The vehicle being towed must be licensed.

TRUCK TRACTOR CONVERTED TO A MOTOR HOME

A. To become a motor home, the truck tractor shall be modified to include a vehicular type unit **built on the tractor's chassis** and designed primarily as temporary living quarters for recreational, camping, vacation or travel use.

B. A truck tractor that has been modified to become a motor home must be equipped with <u>at least 5 out of the following 7</u> established criteria to be titled and registered as a motor home:

1. Cooking facilities.

2. Heating or air conditioning system separate from vehicle engine or vehicle engine electrical system.

3. Self-contained toilet or toilet connected to a plumbing system with connection for external water disposal.

4. Portable water supply, including plumbing and a sink with faucet either self-contained or with connections for an external source.

5. Sleeping facilities.

6. Refrigerator.

7. 110 or 115 volt system separate from the vehicle engine electrical system either with its own power supply or with a connection for an external source or a liquefied petroleum system and supply.

    a. The systems in 2, 3, 4, and 7 must be permanently installed and meet American National Standards Institute and National Fire Protection Association standards in effect on the date of manufacture.

C. When a motor home is used to transport a motor vehicle, boat, or animal to a race, tournament, show, or similar event, it is not considered to be engaged in a private business use if:

1. Any prize money received from participating in the activity is declared as ordinary income for tax purposes.

2. The cost of participating in the activity is not deducted as a business expense for tax purposes.

3. No corporate sponsorship exceeding $2,000 in any one calendar year.

D. If the vehicle is being used to tow a trailer, the trailer does not qualify for a permanent trailer identification plate. The trailer must display a noncommercial trailer plate.

E. The Division of Motor Vehicles provides the form for the affidavit.

STAGGERED LICENSING

A. Definitions under the staggered licensing system.

1. "Active vehicle", a vehicle with current license plates.

2. "Expired vehicle", a vehicle with license plates that have been expired for less than 12 months.

3. "Inactive vehicle", a vehicle with license plates that have been expired for 12 months or more.

B. Initial registration.

1. Upon initial registration, license fees are assessed from date of sale, unless the date of sale is more than 12 months in which case the license fees are assessed from current date with license fees prorated to RMI.

C. License plate attachment.

1. If attaching a valid (not expired) license plate from an applicant's plate inventory to a newly acquired vehicle, with a purchase date of 12 months or less, fees are calculated from date of sale. If the plate expiration is equal to or less than three months, registration fees are billed to the following RMI, with credit given for any remaining months on the license plates. If plate expiration is more than three months, no additional registration months are billed. Additional license fees may apply if the age and weight of the newly acquired vehicle is in a higher license fee category, in which case additional license fees are billed. No refund is allowed.

D. Noncommercial vehicle license renewal.

1. When renewing a registration on a noncommercial automobile, pickup or van (under 6,000 pounds) with an expired license (less than 12 months), license fees are calculated from the date of expiration to the RMI, unless expiration is within 3 months of the renewal date, in which case the vehicle is registered from the expiration date to the following RMI.

E. Noncommercial declared gross weight vehicle license renewal.

1. When renewing a registration on a vehicle that is required to be licensed under the declared gross weight license system (pickup does not qualify) in which the registration has expired (less than 12 months), license fees are assessed from current date to RMI. License fees are not calculated from the registration expiration date.

LICENSE PLATES, LICENSE PLATE STICKERS AND ORDERING OF FORMS

A. Number plates shall be of a different design each five-year period and there shall be at all times a marked contrast between the color of the number plates and that of the numerals and letters thereon.

1. For the period of time from January 1, 1996, through December 31, 2000, a new series of plates has been issued on all noncommercial cars and trucks, trailers, motorcycles, and personalized plates.

2. For the period of time from January 1, 2000, through December 31, 2005, a new series of plates has been issued on all noncommercial cars and trucks, trailers, motorcycles, and personalized plates.

3. For a period of time from January 1, 2006, through December 31, 2011, a new series of plates has been issued on all noncommercial cars, trucks, motor homes, and personalized plates. A new series of trailer plates has been issued beginning January 1, 2007. A new series of commercial plates has been issued beginning October, 2006.

4. Effective July 1, 2008, a low-speed vehicle shall be issued a distinctive license plate denoting the vehicle as a low speed vehicle.

B. The plates shall be of metal or other suitable material bearing the name of the state, and a distinctive number for assignment to each vehicle.

C. The Department of Revenue shall issue either metal plates, decals, or tags made of some durable material for licensing snowmobiles. Such license shall be attached to each side of a snowmobile below the windshield on the hood cowling.

D. License plates must be ordered on a special license plate order form, which is to be sent to the Department of Revenue. When using the License Plate Order form, circle either plates or decals to indicate which is needed. License plate orders will not be placed, unless the order form is used. Please allow at least six to eight weeks for delivery of plates.

E. A county treasurer, dealer, and financial institution shall use the appropriate Supply Request form to order applications, registrations, and other forms necessary to register a vehicle. Requests for supplies will not be accepted by the Division of Motor Vehicles unless the form is used.

SERIAL NUMBERS

A. If a serial number of a motor vehicle, trailer, or semitrailer is changed, the owner shall make application for a rebuilt title.

B. Whenever the serial number is illegible, destroyed, or obliterated, the Department of Revenue shall assign a distinguishing serial number to any motor vehicle, manufactured trailer that weighs over 3,000 pounds, or semitrailer or any component part thereof.

1. If a number is assigned by the department, the owner shall have the number attached by an employee of the Department of Revenue or the Highway Patrol.

2. On manufactured trailers that weigh 3,000 pounds or under and homemade trailers, the county treasurer shall assign a serial number that the applicant is responsible for stamping on the trailer. Upon placement of the assigned number on the trailer, a physical inspection must be made of the assigned number on the trailer by a law enforcement officer and verified thereto on the Permission for Special Serial Number form (DOR:DMV:26).

   a. When a manufactured trailer that weighs 3,000 pounds or under is assigned a special serial number by the county treasurer, the application for title shall denote the manufacturer's vehicle information (year, make, and model).

3. The vehicle shall then be registered under the assigned number when such registration is required.

4. Existing liens on the motor vehicle, trailer or semitrailer shall continue to be shown thereon.

5. The new certificates of title shall be delivered to the owner, unless otherwise directed by the owner, on surrender of the former certificate of title.

6. The removal, alteration, or failure to have the serial number attached is a Class 6 felony.

7. The fee for issuance and attachment of serial number is $25.

C. If a travel trailer is converted to a trailer, a weight slip is needed. The title must be submitted for correction of the type of vehicle from a travel trailer to a trailer. A new serial number is not required. A trailer conversion does not require a new serial number, because the serial number does not distinguish and determine the type of trailer.

D. If a motorcycle or vehicle is changed, a new serial number is required (i.e., a motorcycle converted to a three-wheel motorcycle, title would be issued as assembled, rebuilt). A motorcycle conversion requires a new serial number, because the serial number distinguishes and determines the type of motorcycle.

DUPLICATE PLATES

A. The fee for all duplicate license plates, except for those listed below, or the replacement of lost or damaged decals is $10. (If only one plate is missing, the other plate must be returned to the county.)

B. The fee for all duplicate special plates and personalized plates or tabs (including special motorcycles) is $10 (DMV-102).

C. The fee for a duplicate (regular) motorcycle, trailer, snowmobile, and boat license is $2.

D. The fee for a replacement trailer ID plate is $10.

E. An affidavit (DMV-102) setting forth the facts making the duplicate necessary must be completed.

F. The affidavit for duplicate license plate/validation sticker, the applicable fee, the corrected registration with both decal numbers and/or license plates noted, and the remains of the original set of decals (if available) must all be forwarded to the Division of Motor Vehicles.

G. If plates are lost or stolen, the loss or theft must be reported to a law enforcement agency and attested to on the duplicate license plate validation sticker application (DOR:D.MV:102). A copy of this form is retained by the county treasurer and the division.

REPLACEMENT LICENSE PLATES/VALIDATION STICKERS (LOST IN MAIL)

A. In cases where individuals do not receive the license plates or validation stickers that they have purchased through the mail from a county treasurer, the county treasurer may waive the fee normally required for duplicates. The application for replacement of lost plates or stickers must be made within ninety (90) days from the date the plates or stickers were issued. Replacement license plates and/or validation stickers may be issued at no additional charge to the customer.

B. Replacement plates or decals may be provided whenever the county treasurer is sure that the customer has never received the previously paid-for item(s), and the customer has signed an application for Replacement License Plates/Validation Stickers (DOR:MV:303) attesting to that fact. The original set is canceled, and the customer is required to return those items should they turn up later.

C. The application for Replacement License Plates/Validation Stickers (DOR:MV:303) is a two-part form, and the county treasurer must indicate whether or not, at the time of replacement, the applicant has registered all the vehicles that are currently owned by the applicant. The original is sent to the Division of Motor Vehicles so that an account for the replacement can be made and the division may insure that the license plates/validation stickers are not being used on an unregistered vehicle. The copy is retained by the county treasurer.

D. In cases where an individual needs to replace license plates or validation stickers that have actually been used or possessed, duplicate fees must be collected.

REPLACEMENT COUNTY LICENSE PLATES

A. Any person desiring to obtain a new set of license plates denoting their county of residence when they move to another county, may purchase a set of replacement license plates to reflect their new county of residence for $10. The applicant must surrender, to the county treasurer, the set of plates originally assigned to the vehicle. A duplicate plate affidavit must be completed; however, it does not require enforcement acknowledgment.

LICENSING NONCOMMERCIAL MOTOR VEHICLES

A. The South Dakota driver's license or social security number of each applicant must be given. In the case of a company, the FEIN is required. If the company is a sole proprietorship, the owner's social security number or driver's license number may be used.

B. License fees are computed according to the weight schedules for noncommercial vehicles. (For information on licensing trailers see section entitled, "Licensing Trailers".)

1. License fees on a noncommercial motor vehicle, which is an automobile, pickup or van shall be determined by the manufacturer's shipping weight, including manufacturer's accessories. The license fees for the vehicle shall be based on the regular noncommercial license fee schedule.

a. The NADA computer system can be used to determine shipping weight. If the applicant disagrees with the weight, the applicant has the option of getting a weight slip.

b. A dealer can certify a weight by initialing the weight field on the application. If a reference guide or invoice is available that shows the weight, the document should be submitted. If certifying a weight, the dealer is responsible for the accuracy of the weight.

2. If a noncommercial motor vehicle is a pickup that weighs more than 6,000 pounds, the owner has the choice of paying license fees under the noncommercial or the noncommercial gross weight fee schedule.

3. License fees on a noncommercial motor vehicle, which is not an automobile, pickup or van shall be based on the declared gross weight (highest legal weight at which the vehicle will actually be operated during the registration period) of the motor vehicle, as determined by the applicant.

a. A pick-up in which the pick-up box has been removed and replaced with something other than a pickup box and the removal, alteration, or replacement causes the weight of the vehicle, including accessories, to exceed 6,000 pounds, the vehicle must be licensed as a truck under the declared gross weight fee schedule (ARSD 64:28:03:12). The title must be submitted for correction of the body type from pick-up to truck. No title fee is assessed.

C. The owner of a noncommercial vehicle which is required to pay license fees based on the declared gross weight may register the vehicle for a period of 3 to 8 months, inclusive, in lieu of an annual registration.

1. The fee shall be l/12 of the annual license fee for the motor vehicle, based on the declared gross weight fee schedule, multiplied by the number of months for which the vehicle is being registered. The minimum license fee assessed is $15 for a seasonal registration. No administrative fee is assessed on the initial license under this system.

2. Any subsequent seasonal licensing of a vehicle during the licensing period is assessed a $10 administrative fee for each license issued.

3. A pickup, weighing more than 6,000 pounds that is licensed under the noncommercial gross weight fee schedule, does not qualify for seasonal registration in-lieu-of annual registration.

D. Noncommercial vehicles licensed under declared gross vehicle weight are licensed under the staggered registration system, unless the owner opts for a seasonal registration as detailed in "B" above. The

applicant is issued decals denoting the year and month of the vehicle's expiration. In addition, the applicant is also issued tonnage decals denoting the weight for which the vehicle is registered.

1. Twenty-eight ton and over decals will be issued directly from the Division of Motor Vehicles to individuals who have submitted proof of payment of the federal heavy vehicle use tax.

E. Proof of compliance with the heavy vehicle use tax must be furnished.

1. IRS Form #2290 Schedule 1, stamped received by the IRS.

2. IRS Form #2290 Schedule1, plus a copy of the canceled check.

3. Vehicles exempt from heavy vehicle use tax must submit the IRS Form #2290 Schedule 1, which has been stamped as received by the IRS.

F. The county treasurer shall attach to the daily printout of vehicles registered at a tonnage of 28 or over, the taxpayer statement notification concerning payment of the federal heavy vehicle use tax. This form (DMV-HVUT) is to be completed on all vehicles licensed at 28 ton or over in which IRS proof of payment is not available at the time of registration. If proof of payment is available at the time of registration, the county treasurer shall attach the proof (IRS Form #2290 Schedule 1 -- stamped "paid") to the report along with a copy of the vehicle's registration (see commercial vehicles section for documentation required). If proof of payment is not available at time of registration, the applicant has 30 days in which he can operate the vehicle without displaying the tonnage decals. Remember: one of the two forms -- taxpayer statement notification or the proof of payment of the tax must be attached to the county treasurer's report of vehicles licensed at 28 ton or more.

1. Contact for Federal Excise Tax information and form 2290-Heavy Vehicle Use Tax: 1-866-699-4096 – Cincinnati Service Center.

G. The licensed gross weight of a vehicle may be increased at any time during a registration period. The county treasurer shall collect the difference in fees between the registered weight and the desired higher weight. Plates are not turned in.

1. Requests to lower a vehicle's licensed weight during the registration period may be granted, but no refund is given. The applicant must return the license plates and a new set of plates is issued with the lower tonnage.

H. License fees on a motor home and converted house car are determined by the manufacturer’s shipping weight, including accessories, under the motor home fee schedule.

I. An applicant for renewal of South Dakota license plates must present a certificate of title or if the vehicle is mortgaged and the records indicate that the title is held by the lienholder, the license plate renewal certificate (in the event the license plate renewal certificate is lost, a copy may be obtained from the Division of Motor Vehicles for a fee of $2 or a copy of the certificate of title signed by the lienholder is acceptable).

J. The county treasurer is authorized to renew the motor vehicle registration without a title document or license renewal certificate if the applicant can furnish proof through a South Dakota driver's license or social security card that he is the registered owner of the motor vehicle. The motor vehicle computer record must match the name on the South Dakota driver's license or social security card.

LICENSING TRAILERS

A The South Dakota driver's license or social security number of each applicant must be given. In the case of a company, the FEIN is required. If the company is a sole proprietorship, the owner's social security number or driver's license number may be used.

B. Owners of trailers utilized with automobiles, pickups and vans shall purchase a regular annual trailer plate. There is no restriction on the weight carried by trailers licensed in this manner.

1. Vehicles licensed for gross weight (commercial and noncommercial) may tow any regularly licensed trailer as long as the weight of the trailer plus its load is included in the gross weight license of the towing vehicle.

2. On trailers exempt from licensing (see section entitled, "Trailers Exempt from Licensing"), the weight of the trailer and the load being hauled is not included in determining the declared gross weight of a vehicle.

3. A recreational vehicle is prohibited from displaying a trailer identification plate and must be licensed under the noncommercial trailer fee schedule.

a. A recreational vehicle is defined as a vehicular portable structure built on a chassis designed to be used as a temporary dwelling for travel, recreational, vacation or seasonal uses, permanently identified as travel trailer or a recreational park trailer by the manufacturer of the trailer.

C. A trailer being pulled by a noncommercial vehicle licensed under the declared gross vehicle weight schedule or a commercial licensed vehicle may display a trailer identification plate.

1. This will be the only license identification required on the trailer. The $10 fee is a one-time only fee, as long as the trailer is owned by the applicant.

2. In the event the trailer identification plate is lost, a new plate is issued. The applicant must complete a duplicate plate affidavit and submit a $10 fee to the county treasurer.

D. In the event of ownership transfer, the new owner must make application in his name for a new trailer identification plate.

E. A noncommercial vehicle licensed under the declared gross vehicle weight schedule or a commercial licensed vehicle may tow any legally licensed trailing unit (instate or out-of-state), as long as the proper weight fees have already been paid on the power unit. A noncommercial unit not licensed on declared gross weight may not, however, pull any trailer bearing a trailer identification plate, unless a temporary permit is purchased through the county treasurer.

1. The temporary permit may be purchased for a period of time from 5 to 15 days at a fee of $1 per day. There is no limit on the number of these types of permits that may be obtained.

F. For each trailer, a vehicle registration should be completed. The registration should be carried in the power unit at all times.

MANUFACTURER'S STATEMENT OF ORIGIN/MANUFACTURER'S CERTIFICATE OF ORIGIN AND VEHICLE IDENTIFICATION NUMBER REQUIREMENTS

The Division of Motor Vehicles (DMV) recommends that the following MSO/MCO (Manufacturer's Statement of Origin/Manufacturer's Certificate of Origin) and VIN (Vehicle Identification Number) specifications be used by any vehicle manufacturers operating within the state.

A. Manufacturer's Statement of Origin/Manufacturer's Certificate of Origin (MSO/MCO):

1. At this time, the DMV does not endorse any specific MSO/MCO printer and has no specific requirements for the content of the MSO/MCO form itself; however, the following information must be contained on the document:

   a. Date.

   b. Invoice number.

   c. Vehicle Identification Number.

   d. Vehicle year.

   e. Vehicle make.

   f. Vehicle body type.

   g. Vehicle shipping weight, horse power, or number of cylinders.

   h. Series/model.

   i. Name and address of distributor/dealer.

   j. Signature of authorized representative.

   k. City and state of authorized representative.

   l. On the face of the MSO/MCO, in the assignment area, the manufacturer's name and address and a signature area for the manufacturer's signature.

2. The DMV recommends that the security standards established by the American Association of Motor Vehicle Administrators (AAMVA) be followed:

   a. Paper.

      1) Sensitized Security Paper--paper that is reactive to chemicals commonly used to alter documents.

      2) Non-Optical Brightener Paper--paper without added optical brighteners that will not fluoresce under ultraviolet light.

   b. Engraved Border--a border produced from engraved artwork that shall appear on the front of the document.

   c. 1) Prismatic--rainbow printing that is used as a deterrent to color copying, and/or

2) Copy Void Pantograph--the word “void” appears when the document is copied.

d. Complex Colors--colors that are developed by using a mixture of two or more of the primary colors (red, yellow, or blue) and black if required.

e. Erasable Fluorescent Background Inks--fluoresces under ultraviolet light and reacts to any attempt to erase in such a manner as to be immediately detectable.

f. Background Security Design--a repetitious design consisting of a pattern that hinders counterfeiting efforts.

g. Microline--a line of small alpha characters in capitol letters that requires a magnifying glass to read.

h. Consecutively Numbered--documents that contain a number that is consecutively numbered for control purposes.

i. 1) Security Thread--with or without watermark, and/or

2) Intaglio Print--with or without latent image.

3. Document Size--“Certificates of Origin” size specifications shall be seven (7) inches by eight (8) inches.

4. Paper Stock--Sixty (60) pound offset or equivalent durability.

5. Construction--Unless otherwise specified by the user, the form should be constructed and fan-folded for use on high-speed pinfed computer printer and/or continuous typewriters.

6. Layout--Text matter space for 1/10-inch horizontal and 1/6 inch deep characters per AAMVA H12 Policy for standard format.

7. Facility Security--To insure the integrity of the manufacturer’s “Certificate of Origin” the user should require the vendor to maintain secure printing and storage facilities.

B. Vehicle Identification Numbers (VIN):

1. Title 49, Code of the Federal Regulations, Parts 565 and 571 (Federal Motor Vehicle Safety Standards Number 115) specify the format, content and location of manufacturer’s certification labels and the VIN system currently used to simplify vehicle information retrieval and increase the efficiency of vehicle defect recall campaigns. These regulations apply to trailers as well as other vehicles.

2. It is a class 6 felony to remove or alter a VIN plate on a vehicle.

3. In the event the VIN on a vehicle does not match the VIN on the title or paperwork, the vehicle is to be removed from the dealership lot and the Division of Motor Vehicles or Highway Patrol should be notified.

4. As a result, the Division of Motor Vehicles passed Administrative Rule 64:30:02:04:01, “VIN Requirements for Trailers” that requires persons manufacturing trailers use a seventeen (17) digit VIN on each trailer produced. This Rule went into effect January 1, 1989, and applied to all trailers manufactured after January 1, 1989. Since August 1978, the approved VIN system has

consisted of seventeen (17) digits. However, some trailer manufacturers were still using systems consisting of fewer than seventeen digits that did not incorporate any manufacturer identification, resulting in several different trailers having identical numbers.

5. Part of the VIN consists of a unique identifier of the manufacturer. It is the responsibility of the manufacturer to obtain an assigned World Manufacturer Identifier that is supplied by the Society of Automotive Engineers (SAE) at no charge. We have been asked that your initial contact concerning VIN requirements be made to the National Highway Traffic Safety Administration (NHTSA), VIN Coordinator, at 202-366-6018. Information on assignments of the manufacturer identifiers can be made through the Society of Automotive Engineers at 412-772-8511.

6. Title 49 of the Code of Federal Regulations and other federal motor vehicle safety standards can be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington DC 20402 (telephone: 202-512-1800). These are also available in many law or general libraries.

PLATE WITH OWNER LICENSING SYSTEM

A. In July 2008, the state's vehicle registration system changed from license plate with vehicle to license plate with owner.

1. The ownership of a vehicle, as stated on the title, determines ownership of a plate. All owners on a vehicle's current title record or a pending title record are also owners of any plate attached to that vehicle and any individual listed as an owner on the title can take action affecting the plate.

    a. Exceptions as to who actually owns the plates apply to special and distinctive plates that require qualification (firefighter, veteran, etc.). The person who qualifies for the plate is the plate owner and the only one that can take action affecting the plate.

2. A person cannot move a plate from vehicle to vehicle. The vehicle ownership must transfer before a plate can be detached from the system and removed from the vehicle. So, under most circumstances, the plate can only be detached if:

    a. The plate owner no longer owns the vehicle that was originally attached to the plate.

    b. The vehicle originally attached to the plate is junked.

    c. The vehicle originally attached to the plate is titled out-of-state.

3. Similarly, an unattached plate cannot be moved from vehicle to vehicle and can only be attached to an acquired vehicle.

4. Plate with owner applies to commercial vehicles (renewed under our staggered registration renewal system) and noncommercial vehicles, trailers, motorcycles and historical plated vehicles. It does not apply to boats, snowmobiles, trailer ID plated vehicles, construction plates or prorated (IRP/apportioned) vehicles.

5. There will be situations when plates may stay with the vehicle when ownership of a vehicle is being transferred. A plate can remain attached to the vehicle when the ownership is transferred if one of the following exemptions apply: inheritance; transfer between immediate family members; transfer of ownership as the result of a transfer of a business ownership (exemptions 5-11).

    a. Plates may stay with vehicle upon transfer between immediate family members with consideration, but the transaction is not exempt from tax.

    b. Plus, a historical plate or a personalized plate can stay attached upon transfer of vehicle ownership, provided the former owner of both the vehicle and the plate authorize the reassignment of ownership of the plate to the new owner.

6. Specialty and distinctive plates (personalized, veteran or military, radio, fire fighter, etc.), are no longer secondary plates, but are now the primary plate. Two sets of plates are not issued. Upon initial application for a special/distinctive plate, a permit is used in the interval between ordering and receiving the plates.

7. An expired plate that is attached to a vehicle on the system remains valid and may be renewed at any time within the plate period. However, an expired plate that is unattached is no longer valid and the plate cannot be used.

8. A license plate transfer can only be made between like plated vehicles (example: a license plate transfer from a motorcycle to an automobile is not allowed). A license plate transfer is allowed between vehicles registered as noncommercial, noncommercial gross weight or a motor home.

9. A plate cannot physically be attached to a vehicle until the owner goes to the county treasurer and completes the registration. In situations where a vehicle is sold and a plate is not immediately used, no refund is allowed, but a credit for the remaining months left on the plate is given when it is attached to a newly acquired vehicle. If the plate expires before attachment, the plate is no longer valid.

B. Attach/detach. The definitions of "attach" and "detach" are:

1. "Attach", refers to action affecting a vehicle's record within the system. Attaching a plate associates, or ties, a specific license plate number with a specific vehicle within the DMV system records, as opposed to physically securing the actual license plate to a vehicle. A license plate number may be "attached" to a specific vehicle. Under certain conditions, a plate number, which is attached, may be "detached" from a vehicle. A plate that is not attached to a vehicle is an "unattached" plate.

2. "Detach", refers to action within the system that removes the attachment between a vehicle and a specific license plate number.

C. Report of sale. A report of sale (ROS) must be completed by the seller when a vehicle is sold or transferred. The ROS is a notification that a sale has occurred. It is also used as a means to make a license plate eligible for attachment to another vehicle. The report of sale can be accomplished by one of the following:

1. A new certificate of title contains a tear-off form attached to the bottom of the title. The seller is responsible for completing the information and forwarding the form to the county within 15 days of the sale of the vehicle. The form is bar-coded, which allows it to be scanned and the vehicle information and seller information automatically populated on to the ROS screen. Information that has to be entered includes: purchaser information, date of sale, selling price, purchaser's name and identification.

2. A seller can complete a report of sale on-line at SDcars.org.

3. During the registration process, if the plate that is selected for attachment to a new vehicle is currently attached to another vehicle, the system activates the ROS screen for updating (detaching the plate) before the registration can be completed.

4. Once dealers are on line, a sale of a vehicle by a dealer creates a pending title record, which replaces any need for a ROS form. If the sale involves a trade-in, the system captures the trade-in information and creates a ROS on the vehicle that was traded in.

The ROS serves only as notification of a sale and does not cause any action to be taken against the title or registration record, other than to make a plate previously attached to a vehicle eligible for attachment to a different vehicle.

A ROS between private parties is regarded as mandatory and must be filed within 15 days of date of sale. Failure of a seller to do so is a Class 2 misdemeanor. A ROS is required for the following reasons:

1. Seller must remove the plate from the sold vehicle; and if the buyer has not yet transferred title, file a ROS before the plate that was removed may be registered and attached to another vehicle.

2. Upon receipt of the ROS, the motor vehicle record is updated to reflect the sale of the vehicle and the seller's plate is eligible to be detached.

3. Filing a report of sale may protect the seller from liability that may result from moving or operating a vehicle after the date of sale.

4. Based on the ROS, the system generates an alert in the event a pending title is not created within 45 days of the date of sale. This alert is used to automatically generate a letter to the new purchaser advising the purchaser of the requirements to transfer title and that penalty and interest is accruing. If no action is taken after that contact, further steps can be taken.

D. **Seller's permit.** A private seller must obtain a temporary license permit that allows a buyer to drive during the interval between purchase and registration. The permit is valid for no longer than 30 days, and is issued free of charge, since registration fees are assessed from the date of sale on the new system. When a second permit is requested (same owner/vehicle combination), justification is required. (A seller's permit does not pertain to boats and snowmobiles.)

E. **Special plates.** Only one set of plates is issued.

1. A plate ordered permit is available for an applicant to use during the interim of plate production of a special plate. Like the regular county plate, all owners of the vehicle own the special plate, unless it is a plate that the applicant must qualify for in order to receive it, such as National Guard, physically disabled person, Prisoner of War, etc.

NON-RESIDENT TITLE AND REGISTRATION

A. South Dakota title and registration statutes do not expressly prohibit an out-of-state applicant from titling and registering in South Dakota.

B. An applicant must provide the county where the vehicle will be kept and the applicant's residence post office address on the application for title and registration. If an applicant actually resides out-of-state, the applicant's actual address must be used on the application. (SDCL 32-3-18 and SDCL 32-5-3)

C. For applicants that are truly nomads (no abodes in this or any other state), an affidavit attesting that the applicant(s) has no residential post office in this or any other state is required before a mail forwarding address, rather than a residential post office address, can be used on the application.

D. An applicant must provide either a South Dakota driver's license number (SDDL) or Social Security number (SSN). Applicants who list a SSN and do not have a SDDL must provide a photo copy of a picture ID (e.g., out-of-state driver's license, tribal photo identification) for each applicant listed on the application. The photo copy of the ID must be submitted along with the application. (SDCL 32-3-18 and SDCL 32-5-3)

E. Additional information may be requested if needed.

F. Providing false information on the application for title and registration is a felony and anyone doing so is subject to further action by the department.

INSUFFICIENT FUNDS OR NO ACCOUNT CHECKS

A. The division may suspend a license, title, or registration and issue the county a credit if the check used to pay for the motor vehicle's fees is dishonored.

B. Distress warrant must be issued to recover license plates or tags issued if a purchaser purchased the plates or tags or paid the excise tax or any title fees with an insufficient funds or no account check. If the check is not made good within 30 days, and the sheriff is unable to collect, the county treasurer must report it to the state's attorney for prosecution.

C. At this point, the division will suspend such registration, title, or license and credit the county. To request suspension and receive credit, submit a statement of the facts along with a refund invoice. The statement should document the above process, including the dates, title number, bad check information, distress warrant, whether the plates have been collected, and when it was turned over for prosecution.

D. Additional documentation is being requested due to the large number of these that we are pursuing to the next step because the sheriff is unable to collect or the vehicle has been transferred or repossessed. In addition to the statement, please attach copies of the following:

1. Bad check.

2. Dishonored check notice.

3. Certified return receipt card.

4. Returned distress warrant.

E. A record cannot be suspended if the title has already been transferred or repossessed, or the dishonored check is not in a title owner's name. Further, since a suspension does not prevent the sale of the vehicle, if the vehicle is later sold, the record suspension will be removed. Every attempt will, however, be made to collect the delinquent fees from the responsible party.

F. A $30 fee is added to the DMV fees for collection of an insufficient fund check.

G. If collection is made on the dishonored check, this is entered on to the system and the documents stating the title number(s), specific fee(s) and circumstances must be submitted.

REFUNDS – NONCOMMERCIAL VEHICLE

A. A refund may be authorized to the owner of a motor vehicle for any overpayment (vehicle age and weight correction), past or future, paid by the owner for license plate fees.

1. Supporting documentation: registration, explanation of facts, license refund affidavit form (DOR:DMV:200).

2. The refund is paid out of the motor vehicle fees collected by the county.

3. Application for the refund must be made within one year from the date the license fee was paid.

4. The refund is granted to the person to whom the vehicle is currently registered. The title must be in the name of the individual applying for refund, not just assigned on the reverse side.

5. There is no provision for a refund of license fees on a boat.

B. The county treasurer is authorized to make a refund based on the documentation.

C. If an applicant desires to lower the tonnage on a noncommercial declared gross weighted vehicle, no refund is given. The applicant can either retain the current plates with the higher tonnage until the new licensing period and then lower the tonnage or, if so desired, the applicant can return the license plates and a new set of plates with the lower tonnage will be issued.

D. If an applicant desires to change the license on a vehicle from noncommercial to commercial, the applicant can surrender the noncommercial license plates and receive a credit for the remaining months (to zero) toward the commercial plates or the owner has the option of removing the valid noncommercial license plates and retaining them for transfer to a newly acquired vehicle upon registration of the newly acquired vehicle through the county treasurer (credit will then be given for the remaining months left on the plate at time of attachment).

E. If an applicant who was unable to obtain a bill of sale prior to making application and thus was assessed 3% excise tax on the book value, later obtains the bill of sale, a refund for the overpayment of the excise tax will be authorized if the request is made within one year from the date of the original application. No refund will be granted on requests made after one year from the date of application.

COMMERCIAL VEHICLES

A. Payment of the annual commercial motor vehicle fee shall be made before beginning an operation. License renewal is done under a staggered licensing system.

1. All address information should be properly recorded on the commercial registration.

2. The South Dakota driver's license or social security number of each applicant must be given. In the case of a company, the FEIN is required. If the company is a sole proprietorship, the owner's social security number or driver's license number may be used.

3. The county treasurer will fill out a commercial registration for each unit using commercial license plates.

4. All information concerning the motor vehicle must be correct and included on the commercial registration.

5. The county treasurer may assess a $5.00 mailing fee for the mailing of commercial license plates and a $1.00 fee for the mailing of stickers. If the applicant requests the plates/stickers be express mailed, the applicant shall pay any costs for the service.

B. **Commercial License (plate with owner).**

1. If discontinuing use of a commercial license, the plates can be turned in for a refund of the remaining months on the license plates.

2. If a commercial vehicle is sold or transferred, the commercial plates must be removed and can be attached to a newly acquired vehicle, upon registration of the newly acquired vehicle through the county treasurer. Credit is given for any remaining months on the plates at the time the county registers the vehicle. If the plates expire prior to the attachment, the plates are no longer valid and cannot be used.

3. In the event tonnage is being lowered, no refund is given. The applicant can either retain the current plates with the higher tonnage until the new licensing period (within 3 months of expiration) and then lower the tonnage, or, if so desired, the applicant can return the license plates and a new set of plates can be issued with the lower tonnage.

4. Inform applicant that a copy of the registration must be placed in the power unit, to be carried at all times and exhibited upon demand of any law enforcement official.

C. Commercial vehicles tonnage stickers.

1. Any vehicle registered to haul more than 27 tons by license or permit is required to file the IRS 2290 schedule 1 and provide proof of the filing by providing a copy of the IRS verified form for the licensing period. Twenty-eight ton and over stickers are issued directly from the Division of Motor Vehicles to individuals when all applicable laws are complied with.

a. Proof of federal heavy vehicle use tax must be furnished.

(1) Form #2290 Schedule 1 stamped received by IRS.

(2) Form #2290 Schedule 1, plus copy of canceled check.

b. Vehicles exempt from federal heavy vehicle use tax must also send in the Form #2290 Schedule 1 and have it stamped received by the IRS.

2. The county treasurer shall attach to the daily printout of vehicles registered by the county at a tonnage of 28 ton or over, the taxpayer statement notification concerning payment of the federal heavy vehicle use tax form (DMV-HVUT), which is to be completed on all vehicles licensed at 28 ton or over, in which proof of payment of the tax is not available at the time of registration. If proof is available at the time of registration, the county treasurer shall attach the proof of payment of the heavy vehicle use tax (IRS forms) along with a copy of the vehicle registration. If proof of payment is not available at time of registration, the applicant has 30 days in which he can operate the vehicle without displaying the tonnage decals.

   b. Contact for Federal Excise Tax information and form 2290-Heavy Vehicle Use Tax: 1-866-699-4096 – Cincinnati Service Center.

3. Status categories in the HVUT queue:

   1. R – Requested or Registered (indicates the vehicle has been registered at a qualifying weight but nothing has been received and tonnage decals have not been issued.
   2. WP – Waiting Proof (indicates we received the HVUT form claiming filing of the 2290 and have verified proof for the previous years but still waiting for proof of filing with a copy of the IRS verified form for the current licensing period for the correct vehicle. Tonnage decals have been issued.
   3. Category Z and Newly Purchased Vehicles (if a vehicle is purchased within 60 days of a qualifying HVUT registration, tonnage decals will be mailed without proof of filing; however, the 2290 is still required to be filed. A code of Category Z means that proof of HVUT has not been received. Once the proof is received, the code will be changed.
   4. V – Verified (indicates verification that the tonnage decals have been issued.

4. Common Problems

   1. The form provided is either not stamped as verified by the IRS, the form is not for the correct vehicle or it is for the wrong filing period, or the VIN is incorrect and the name on the form does not match the titled owner.

EXCEPTIONS FROM COMMERCIAL VEHICLES

A. The following do not come within the definition of "motor carriers" or "commercial vehicles" when used in intrastate operations.

1. A motor vehicle registered in South Dakota used to carry private business property of five hundred pounds or less.

2. Repealed.

3. A motor vehicle chassis registered in South Dakota on which is mounted a cornsheller, grain cleaner, feed grinder, grain and alfalfa feed mixing machine, haystack mover, sawmill, water well drilling equipment, power shovel, ditchdigger, mobile crane which exceeds the maximum size or weight limits prescribed by chapter 32-22, drag line, posthole auger, and which is not used for demonstration or display purposes outside the limits of a municipality, or a truck tractor and trailer carrying permanently mounted hay grinding equipment.

4. Repealed.

5. Any motor vehicle registered in South Dakota used for the transportation of liquid or solid livestock waste (including trailers and equipment used to load liquid or solid livestock waste) and any vehicle registered in South Dakota used for the application, distribution, spraying or transportation from retail business to user of dry, liquid or anhydrous ammonia fertilizers or agricultural chemicals.

6. Repealed.

7. A motor vehicle registered in South Dakota of less than thirty thousand pounds gross weight owned by a merchant licensed under Chapter 10-45 or his commissioned paid employee and used to transport the merchant's previously sold merchandise to a purchaser outside the limits of a municipality and to return exchanged property or to transport fuels to a purchaser within a municipality or an unincorporated town which is without such service.

8. A motor vehicle registered in South Dakota owned by a farmer of this state and used by or for the farmer to transport property for his farming operation, to transport farm property from farm to farm or from a community or market to his farm or from his farm to a community or market, to transport livestock in a vehicle that is registered at 26,000 pounds or less and when hauling for no monetary compensation or to transport farm property when the vehicles are used as reimbursement in the ordinary exchange of farm work if the provisions of § 49-28-8.2 are met.

9. A motor vehicle registered in South Dakota operated by or for its owner and exclusively used to transport products originating in or produced from logging or mining operations or lumber milling waste products if such products are produced or owned by the motor vehicle owner.

10. Except as provided in § 32-9-3.3, any motor vehicle, trailer, semitrailer, motor propelled or trailed vehicle chassis registered in South Dakota, which is used for highway construction or for the construction of stock water dugouts, dams, farm and ranch irrigation systems or other soil and water conservation projects on farms and ranches and used exclusively on the job site. Such equipment may be moved between job sites or from job site to a central location.

11. A motor vehicle used principally for providing prearranged transportation of persons to or from their place of employment and is operated by a person who does not drive the vehicle for his principal occupation, but is driving it only to or from his principal place of employment or for personal use as permitted by the owner of the vehicle.

12. A school bus, owned by a school district, when rented by or its use has been granted to a nonprofit club, group, organization, fraternal society, association or corporation for use pursuant to subdivision (1) or (8) of § 49-28-2.

13. A motor vehicle that is not for hire and is operated solely for educational purposes by a student or an instructor as part of a heavy motor vehicle or heavy equipment operator's course offered by a nonprofit post secondary institution located in the state.

14. A motor vehicle used for personal purposes and not operated for private business.

15. A motor vehicle used for recreational purposes and not operated for private business use.

16. A motor vehicle, semitrailer, motor propelled or trailed vehicle chassis, registered in South Dakota and used to move equipment involved in soil and water conservation projects or township road work when operated between job sites or from a job site to a central location or point of repair.

17. Any motor vehicle used by an implement dealer to transport farm machinery to and from a county fair or the state fair.

18. A motor vehicle, other than a motor vehicle which carries inventory replacement vehicles entirely upon its own structure, owned by a licensed motor vehicle dealer and used to transport inventory replacement vehicles to the dealer's principal place of business.

19. Any motor vehicle, with a seating capacity of 16 or more persons, including the driver, used as a motor bus in the transportation of persons for hire within the corporate limits of any city or town.

The specialized equipment mounted on a motor vehicle chassis listed in #3 to #6, inclusive, is included in the vehicle weight used to determine license fees under the noncommercial fee schedule. A violation of the section is a Class 2 misdemeanor.

COMMERCIAL BUS

A. Application for commercial bus plate requires that a commercial vehicle registration be completed for each bus.

1. The gross maximum weight on a commercial bus shall be calculated by using the largest gross maximum weight the unit will haul, plus the weight of the bus.

B. Determination of fees is made from the appropriate gross weight on the commercial fee schedule.

C. **Commercial License Plate with Owner.**

1. If discontinuing use of a commercial license, the plates can be turned in for a refund of the remaining months on the license plates.

2. If a commercial vehicle is sold or transferred, the commercial plates must be removed and can be attached to a newly acquired vehicle, upon registration of the newly acquired vehicle through the county treasurer. Credit is given for any remaining months on the plates at the time the county registers the vehicle. If the plates expire prior to the attachment, the plates are no longer valid and cannot be used.

COMMERCIAL TRAILING UNITS

A. A commercial trailer unit will only be required to display commercial trailer identification plates.

1. This will be the only license identification required on a commercial trailer. The $10 fee is a one-time only fee, as long as the trailer is owned by the applicants.

2. In the event the trailer plate is lost, a new plate is issued. The applicant is not required to complete a duplicate plate affidavit. A $10 fee is assessed.

B. In the event of ownership transfer, the new owner must make application in his name for a new trailer identification plate.

C. A trailer bearing a commercial identification plate may be towed behind any commercial power unit.

D. A commercial power unit may tow any legally licensed trailing unit, as long as the proper weight fees have already been paid on said power unit.

1. A noncommercial declared gross weighted unit may pull any trailer bearing a commercial trailer identification plate.

E. There is no refund or credit provision for a commercial trailer plate.

MASTER DEALER DEMONSTRATION LICENSE

A. This license is issued on a fiscal year basis (July 1 - June 30) to a licensed dealer for the purpose of demonstrating a new vehicle to a perspective buyer without benefit of a commercial license.

B. A special Commercial Demonstration Trip Permit is self-issued before such trip is made.

C. Fees for such license are $50 per year, or any part thereof; and application is made directly to the Division of Motor Vehicles.

TEMPORARY COMMERCIAL LICENSING PERMIT

A. A temporary commercial license permit may be sold to a South Dakota resident or an out-of-state resident.

1. The vehicle must display some other form of current license, which is valid through the life of the temporary commercial permit.

    a. Some other form of current license may be a noncommercial license plate or a 30-day "sold" dealer paper plate. If a 30-day dealer paper plate is used, however, keep in mind that the temporary commercial permit is only valid as long as the dealer plate is valid.

2. The temporary commercial permit may be sold in 30-day increments (30, 60, 90, 120, etc.) for up to one year. There is no limit on the number of temporary commercial license permits that can be sold. An applicant is required to file the federal heavy vehicle use tax and provide proof of the filing by providing DMV with a copy of the IRS verified form for the licensing period (please indicate on the proof of filing that it was in connection with the issuance of a temporary commercial permit).

3. A temporary commercial license permit may be used to temporarily increase the tonnage on a commercial licensed vehicle.

    a. The permit fee is assessed according to the 30-day permit fee schedule. Remember the total permit fee is charged, not the difference resulting from the increased tonnage.

PERMITS

A. Temporary registration permit.

1. Free temporary registration permits, that can be completed by the county treasurer, will be available for emergency situations when the system is not operational. (Under most circumstances, the permit is issued for a five-day period.)

   a. A title or bill of sale must be available for inspection.

B. 5-15 day temporary permit.

1. A 5-15 day temporary license permit will be available to allow temporary noncommercial operation of a vehicle.

2. The permit is purchased from a county treasurer for a period from 5 to 15 consecutive days.

3. The fee for the permit is $1 per day for each day the permit is requested. The minimum fee is $5.

4. Only one permit should be issued yearly per motor vehicle.

5. An applicant must be in possession of either a title in the applicant's name, a title properly assigned to the applicant, or a bill of sale that lists the applicant as the purchaser of the vehicle.

6. The title or bill of sale must be available for inspection by a peace officer when the vehicle is being moved.

7. A temporary permit can be used on a vehicle hauling a load, as long as the operation is noncommercial.

8. The permit information (vehicle, year, make and VIN/HIN will be entered into the system.

9. The reason the permit is needed must be entered (list of possible reasons will be displayed).

10. Sale of any subsequent permit for the same vehicle within a one-year period will require entry of a comment as to why a second permit is being issued.

11. When a permit is issued on a vehicle that is titled in South Dakota, the permit will be tied to the vehicle title record.

C. Commercial permit.

1. The owner of a commercial vehicle who has returned the current commercial plates and has since shown a need to operate this motor vehicle (unladen operation) on the highway can obtain a temporary commercial single-trip permit from the Highway Patrol.

2. The fee for a commercial single trip permit is $15.

D. Plate ordered permit.

1. This permit allows the operation of a vehicle during the interval between application for special plates and the arrival of new plates.

2. The permit is valid for 30 days or until the plates arrive, whichever occurs first.

3. When application is made for a plate ordered permit, the system will check for suspensions (financial responsibility), title record status (title only, junking certificate, parts only, junk, surrendered out-of-state, off-road, interstate or suspended) and plate type, A (noncommercial), L (motor home), G (gross weight), M (motorcycle).

4. The system will deny issuance unless the vehicle to which the plates will be attached is titled in the applicant's name or is a pending title in the name of the permit applicant.

E. Seller's permit.

1. A private seller must obtain a temporary license permit that allows a buyer to drive during the interval between purchase and registration.

2. Duration of the permit is 30 days.

3. No fee is charged for the permit since registration fees are assessed from the date of sale.

4. If a second permit is requested (same owner/vehicle combination), justification is required.

5. The system will check for suspensions and title record status.

6. Failure of a seller to provide the permit to a purchaser upon sale of a vehicle is a class 2 misdemeanor.

7. A seller can obtain a seller's permit on-line at SDcars.org

8. A seller's permit cannot be issued for a boat or a snowmobile.

F. Dealer 30-day sold permit.

1. The dealer may issue sold permits manually.

2. Permits may be issued off of the system in conjunction with a dealer pending title, or in the case of when a vehicle is sold and the title is not available at the time or when the vehicle is sold out-of-state, the dealer can create a report of sale since there is no pending title record, which then allows a dealer to create a 30-day sold permit off the system.

3. Issuance of a 30-day permit off the system when a dealer does not have title in-hand or when a vehicle is sold requires the dealer to create a report of sale. **A DEALER CANNOT CREATE A PENDING TITLE RECORD WITHOUT HAVING TITLE IN HAND.**

G. Manufactured home permit.

1. Single trip permit to move a manufactured home (county issued or dealer self-issued) is issued off of the system. [At some point, the affidavit of tax paid will be issued off the system and the system will send a notice containing the information on the permit to the DOE in the county of origin, the DOE in the county of destination, and the county treasurer in the county of destination, if different than the county of origin.]

H. Physically disabled person parking permit.

1. In the future: the disabled person parking permit system will be incorporated into the new SDcars system. Until then, the present mainframe system is used.

I. 30-day commercial permit.

1. In the future: the permit information may be entered into the SDcars system.

HARVEST PERMIT

A. Resident harvesters.

1. South Dakota residents engaged in custom harvesting must comply with the commercial licensing laws.

2. Residents who have their vehicles licensed commercially must display on each power unit a license sufficient to cover the total gross weight of the vehicle and its load, plus any trailer and its load. Trailers may display identification plates. South Dakota commercially licensed vehicles are not required to purchase trip permits, temporary commercial license, or harvest permits.

3. Residents who have their vehicles licensed noncommercially and wish to commercially harvest in South Dakota must purchase temporary commercial license or harvest permits. A harvest permit is required for each power unit and for each grain hauling trailer (regardless of whether the trailer displays an ID plate).

4. Noncommercially licensed custom combiners must purchase a trip permit in order to travel in the state unless they display temporary commercial license or harvest permits.

5. Pickups and service trucks carrying over 500 pounds of harvest equipment, tools or fuel supplies will be required to display some form of commercial license (trip permits, South Dakota commercial license, temporary commercial license, or harvest permits).

6. Passenger vehicles, mobile homes, and camper vehicles are not required to purchase trip permits or display a commercial license.

7. An operator who purchases a temporary commercial license for harvest purposes should display the temporary commercial sticker in the lower center of his windshield to allow for easier and quicker identification by law enforcement officers.

8. Farmers who are temporarily engaged in custom harvesting are treated like any other custom combiner.

9. Farmers who are harvesting their own fields are not required to purchase trip permits, temporary commercial license, or harvest permits.

B. Nonresident harvester.

1. Nonresidents engaged in the custom harvest in South Dakota must purchase harvest permits for each vehicle hauling grain. A permit is required for each power unit and for each grain hauling trailer. Harvest permits exempt nonresidents from all other South Dakota registration requirements.

2. Passenger vehicles, empty trucks and empty pick-ups pulling mobile homes or camper trailers are not required to pay additional license fees.

3. Pickups and service trucks carrying over 500 pounds of harvest equipment, tools or fuel supplies will be required to display some form of commercial license (trip permits, South Dakota commercial license plates, temporary commercial license or a harvest permit -- collections in accordance with base plate covering that particular vehicle (*).

4. Trucks loaded with or pulling combines or other harvest equipment will be treated like any other loaded truck and considered according to the base license of the vehicle (*).

5. Vehicles displaying a valid harvest permit will not be required to purchase a trip permit for their travel into or through the state.

* Prorate States -- Three axle combinations having a gross vehicle weight in excess of 12,000 pounds must buy trip permits or purchase a harvest permit.

C. Custom combiners "Harvest Permit".

1. SDCL 32-9-3.1. Fee required of harvest vehicle -- Sticker -- Collection of Fees -Violation as misdemeanor. Any motor vehicle or trailer owned and operated by a resident or a nonresident engaged in the harvest of agriculture products may be operated upon the highways, roads and streets of this state upon payment of a seventy-five dollar fee. Payment of the fee shall be evidenced by a sticker provided by the division affixed in a conspicuous place on the vehicle as the division may require. The stickers, which are valid for a calendar year, shall be purchased from the county treasurer of any county through which the owner or operator may travel, an inspector at a port-of-entry, or any other agent designated by the division. All fees collected shall be handled, accounted for, and distributed in the same manner as the other fees provided for in this chapter. Violation of this section is a Class 2 misdemeanor. A permit is required for each truck or tractor and for each grain hauling trailer.

2. Harvest permits are sold to vehicles that will be utilized to haul agricultural products or to service harvesting equipment, and are available to both foreign and South Dakota licensed harvesters. (A permit is required for each truck or tractor and for each grain hauling trailer.)

3. Passenger vehicles, mobile homes, service pick-ups and camper vehicles will not be required to display a harvest permit. However, service trucks carrying harvest equipment, tools or fuel supplies will be required to display some form of commercial license (trip permits, South Dakota commercial license plates, temporary commercial license or a harvest permit.)

4. The harvest permit must be displayed in the lower center of the windshield.

5. Harvest permits are valid only while actually involved in custom harvest operations during the period of January 1 through December 31 of each calendar year. The cost of each permit is $75.

6. Harvest permits may be obtained from any county treasurer, port-of-entry, South Dakota Highway Patrol district office, Highway Patrol trooper, or any motor carrier inspector. Permits may also be obtained by sending a check or money order along with a copy of the current registration for each vehicle to be permitted to:

District Four Headquarters
South Dakota Highway Patrol
500 East Capitol Avenue
Pierre, SD 57501-5070

7. Enforcement action may be taken against any carrier or custom harvester who fails to comply with South Dakota permit requirements.

8. For information on other permits that may be required (fuel, oversize, overwidth, etc.) the applicant should be advised to contact one of the ports-of-entry listed below:

Sisseton..... (605) 698-3925

Sioux Falls...(605) 757-6406
Tilford.....(605) 347-2671
McCook.....(605) 232-9106

TAX EXEMPT PLATES

A. Vehicles owned by United States, states, counties, townships, and municipalities; vehicles purchased by the state under Sections 18 and 16(b)2 of the Urban Mass Transportation Act; vehicles owned by public school corporations, fire departments, Native American tribes or schools, or non-profit community support providers; buses and vans owned by churches.

It may be necessary for the applicant to provide additional information to substantiate eligibility.

1. It will be necessary to complete an Application for Motor Vehicle Title and Registration (MV-608) and an Application for Special License Plates (MV-SLI).

2. No 3% excise tax is due on vehicles owned by the above-indicated entities.

3. The fee for such plates is $4. A $5 mailing fee is also assessed.

4. A title fee must also be included when transferring ownership of the vehicle.

5. A properly completed Damage Disclosure Statement form, if applicable and if damage disclosure information is not contained on the assignment of the certificate of title, must be attached to the application for title.

6. Send properly completed forms directly to the Division of Motor Vehicles; Special Licensing; 445 East Capitol Avenue; Pierre, South Dakota 57501-3185.

7. When plates are being transferred from one vehicle to another, it will be necessary to send a $5 reassignment fee to the Division of Motor Vehicles. An application must be submitted indicating "renewal". A copy of the registration of the vehicle from which the plates are being removed must also be submitted.

8. In the case of a company, the FEIN is required. If the company is a sole proprietorship, the owner's social security number or South Dakota driver's license number may be used.

B. Buses owned by individuals or companies which are being leased or rented by schools may apply for special bus plates. However, when the bus is being used for private or commercial use, it will be necessary for the applicant to obtain commercial plates.

It may be necessary for the applicant to provide additional information to substantiate eligibility.

1. It will be necessary to complete an application for Motor Vehicle Title and Registration (MV-608) and an Application for Special License Plates (MV-SL1).

   a. Seating capacity must be declared.

2. Three percent excise tax will be due based on the applicable purchase price.

3. The fee for such plates is $4. A $5 mailing fee is also assessed.

4. A title fee must also be included when transferring ownership of the vehicle.

5. A properly completed Damage Disclosure Statement form, if applicable and if damage disclosure information is not contained on the assignment of the certificate of title, must be attached to the application for title.

6. Send all properly completed forms directly to the Division of Motor Vehicles; Special Licensing; 445 East Capitol Avenue; Pierre, South Dakota 57501-3185.

7. When plates are being transferred from one vehicle to another, it will be necessary to send a $5 plate reassignment fee to the Division of Motor Vehicles. An application must be submitted indicating "renewal". A copy of the registration of the vehicle from which the plates are being removed must also be submitted.

8. In the case of a company, the FEIN is required. If the company is a sole proprietorship, the owner's social security number or South Dakota driver's license number may be used.

C. Driver education vehicles.

Any motor vehicle dealer who participates in the driver education program in the schools of the state by furnishing any school with a motor vehicle used in the program shall qualify for special license plates.

1. It will be necessary to complete an Application for Special License Plates (MV-SL1).

2. The fee for such plates is $4. A $5 mailing fee is also assessed.

3. Send all properly completed forms directly to the Division of Motor Vehicles; Special Licensing; 445 East Capitol Avenue; Pierre, South Dakota 57501-3185.

4. When plates are being transferred from one vehicle to another, it will be necessary to send a $5 plate reassignment fee to the Division of Motor Vehicles. An application must be submitted indicating "renewal". A copy of the registration of the vehicle from which the plates are being removed must also be submitted.

D. Heavy motor vehicle operator's course vehicles.

1. A motor vehicle that is not for hire and operated solely for educational proposes by a student or an instructor as part of a heavy motor vehicle or heavy equipment operator's course offered by a non-profit post secondary institution located in the state is exempt from commercial motor vehicle licensing requirements.

CONSTRUCTION PLATES

A. A vehicle used exclusively on the job site for the construction of township roads, stock water dugouts, dams, farm and ranch irrigation systems or other soil and water conservation projects on farms and ranches, or for the construction or maintenance of highways in the state of South Dakota may qualify for construction plates.

B. A vehicle eligible for construction plates will be any motor vehicle, trailer, semitrailer, motor propelled or trailed vehicle chassis registered in South Dakota.

C. Prior to moving any vehicle or equipment (between job sites or from a job site to a central location) that has been issued a construction plate, the owner must issue a $5 permit for the movement of the vehicle or equipment on the roads and highways.

1. The permits, which are obtained through the Highway Patrol, are available in books of 10 for a fee of $50.

2. The permits are self-issued by a company driver.

3. The original (white) copy of the permit must be carried by the driver and displayed on demand by any officer. The duplicate (blue) copy of the permit must be mailed to the South Dakota Highway Patrol (500 East Capitol Avenue; Pierre, SD 57501-5070) prior to beginning the trip.

D. Examples of this type of equipment would be a portable office on a trailer, a lube trailer, a shop trailer, a tool trailer, or a water truck or fuel truck that does not leave the job site to replenish its supply.

E. A vehicle such as a gravel truck operated both on and off the highway project or a tractor semitrailer or tractor lowboy type operation used for the hauling of heavy equipment around the state will be construed to be a vehicle that does not quality for construction plates.

F. To obtain construction plates, applicant must complete an Application for Special License Plates (MV-SL1), and present a South Dakota certificate of title.

1. The application is submitted to the Division of Motor Vehicles.

2. In the case of a company, the FEIN is required. If the company is a sole proprietorship, the owner's social security number or South Dakota driver's license number may be used.

G. Construction plates are to be purchased annually from the Division of Motor Vehicles for a fee of $25. A plate mailing fee is also assessed.

H. In the event a construction plated vehicle is sold or transferred, the construction plates must be removed from the vehicle and become invalid (plates cannot be used on another vehicle).

SPECIAL LICENSE PLATES FOR NATIONAL GUARD

A. A resident owner of a motor vehicle who is a regularly enlisted or commissioned member of the South Dakota National Guard, other than an inactive member, may receive National Guard license plates.

1. Each member of the South Dakota National Guard shall apply to the county treasurer of the county of his/her residence for the special plates.

2. The application shall be accompanied with a copy of the National Guard identification card.

3. The plates will bear a distinctive number and design, designating such persons as a member or retired member of the South Dakota National Guard.

4. The fee for an initial National Guard plate is $10, in addition to the registration fee. There is no additional fee for the renewal of special plates, but the registration fee is assessed. A $5 mailing fee is assessed.

   a. If an applicant's vehicle currently has regular or organization plates assigned to it, the applicant may choose to retain the regular or special license plates that are being removed for future reassignment to a newly acquired vehicle or the applicant may choose to turn in the regular or organization plates to the county treasurer and receive credit for any remaining months on the plates toward the registration fees.

5. The special plates may be used on a noncommercial or a noncommercial declared gross weight licensed vehicle.

B. A retired member of the South Dakota National Guard, with twenty (20) years or more of creditable service is entitled to make application for National Guard plates. These plates are subject to the same limitations and conditions as are applicable to active members.

C. Any member of the National Guard who is discharged, separated, or furloughed to a reserve or inactive status shall surrender the National Guard plates to the Division of Motor Vehicles.

D. Sale or transfer of a vehicle.

1. Upon the sale or transfer of a vehicle to which special license plates are attached, the owner must remove the special plates and may select either of the options below:

   a. If an owner is (or will be) replacing the vehicle with a newly acquired vehicle, the owner may request, at time of registration of the newly acquired vehicle, attachment of the special plates to the vehicle. Credit for any remaining months left on the special plates at time of registration will apply. A $5 plate reassignment fee is assessed. If the plates expire prior to attachment, the plates are invalid and cannot be used.

   b. An owner may request transfer of special plates to another vehicle that is owned and titled by the applicant. A $5 plate reassignment fee is assessed.

      1) The special plates may be transferred to a vehicle that already has special license plates assigned to it.

         a) Any remaining credit on the special license plates at the time of attachment will apply to the vehicle the plates are being reassigned to. If additional license plate fees are due, the county treasurer will collect the

additional fee. A $5 plate reassignment fee is assessed. No refund will be given.

b) The regular or organization plates that are removed from the vehicle are eligible for attachment to a newly acquired vehicle upon registration of the newly acquired vehicle through the county treasurer. A $5 plate reassignment fee is assessed. Credit for any remaining months on the plates at time of registration will apply. If the plates expire prior to attachment, the plates are invalid and cannot be used.

SPECIAL LICENSE PLATES FOR CERTAIN DISABLED VETERANS

A. Before a person can receive a disabled veteran plate, an applicant must be an owner of a motor vehicle or motorcycle and a resident veteran who is either.

1. A recipient of a Veteran's Administration K Award; or

2. A recipient of an automobile under Public Law 187; or

3. A recipient of a statutory benefit for loss or loss of use of one or more extremities; or

4. A recipient of a veteran's allotment for total disability which is a service connected injury.

B. In addition, the injury must have been incurred in active duty during a time of war or while participating in a military mission involving armed conflict.

C. Initial registration.

1. The disabled veteran (DV) application must be completed using the full name (no initials) and South Dakota driver's license number or social security number, and submitted to the county treasurer of veteran's county of residence.

2. The applicant is not exempt from the 3% excise tax.

3. A plate applied for permit will be issued by the county treasurer for the veteran to use in the interim of obtaining the special license plates. The veteran will initially pay the $10 special plate fee and the registration fee until verification of eligibility status is checked. A $5 mailing fee is also assessed.

4. DV plates will be issued from the division upon verification of DV status through the Veteran's Administration in Sioux Falls, SD. If the applicant does not qualify for DV status, the $10 special license plate fee will be refunded. If the applicant does qualify, the registration fee will be refunded.

5. A maximum of 2 sets of special DV plates will be issued per veteran.

6. The special plates can be used on an automobile, pickup truck, or van licensed under the noncommercial license fee schedule or a motorcycle.

7. The veteran may choose to use one of the 2 sets of DV plates on a noncommercial motor vehicle that is a pickup truck that weighs more than 6,000 pounds that is licensed under the noncommercial gross vehicle weight fee schedule or a motor home. In this case, the veteran pays the registration fee but is not required to pay the $10 initial and renewal DV plate fee.

D. Renewal of disabled veteran plates.

1. A fee of $10 is collected yearly by the county treasurer and decals issued for the special plates. No registration fee is assessed unless the plates are being used on a pickup that weighs more than 6,000 pounds licensed under the noncommercial gross weight fee schedule or a motor home (see #7 above).

E. Sale or transfer of a vehicle.

1. Upon the sale or transfer of a vehicle to which special license plates are attached, the owner must remove the special plates and may select either of the options below:

   a. If an owner is (or will be) replacing the vehicle with a newly acquired vehicle, the owner may request, at time of registration of the newly acquired vehicle, attachment of the special plates to the vehicle. A $5 plate reassignment fee is assessed. Credit for any remaining months left on the special plates at time of registration will apply. If the plates expire prior to attachment, the plates are invalid and cannot be used.

   b. An owner may request transfer of special plates to another vehicle that is owned and titled by the applicant.

      1) The special plates may be transferred to a vehicle that already has special license plates assigned to it.

         a) Any remaining credit on the special license plates at the time of attachment will apply to the vehicle the plates are being reassigned to. If additional license plate fees are due, the county treasurer will collect the additional fee. A $5 plate reassignment fee is assessed. No refund will be given.

         b) The regular or organization plates that are removed from the vehicle are eligible for attachment to a newly acquired vehicle upon registration of the newly acquired vehicle through the county treasurer. Credit for any remaining months on the plates at time of registration will apply. A $5 plate reassignment fee is assessed. If the plates expire prior to attachment, the plates are invalid and cannot be used.

F. If the applicant dies.

   1. The plates must be surrendered to the county treasurer’s office and no additional fees are due for that registration year.

PORTABLE PHYSICALLY DISABLED PERSON'S PARKING PERMIT

A. Application for portable physically disabled person's parking permit.

1. Initially, the disabled person parking permit system is being retained under the present mainframe computer system. At some point in the future, plans are to convert these records to the SDcars system.

2. This permit is to be used only when transporting a physically disabled individual and the use of a designated physically disabled person's parking facility is necessary. Unlawful use of this permit by anyone not authorized to use physically disabled person's parking facilities is guilty of a Class 2 misdemeanor and such use may result in revocation of the permit by the Secretary of Revenue.

   a. If an applicant is no longer a person with a physical disability or is deceased, or if the applicant no longer transports persons with physical disabilities, the permit must be surrendered within 30 days to the county treasurer of the applicant's residence.

3. The applicant must properly complete an Application for Portable Physically Disabled Person's Parking Permit and have it validated by a physician. The application is filed with the county treasurer of the applicant's residence.

4. It is a Class 1 misdemeanor to submit a false or fraudulent application or to alter a portable permit.

B. The plastic portable permit must be displayed while the vehicle used for transporting the physically disabled person is parked. The permit must be visible through the front windshield of the vehicle.

1. Failure to properly display or the illegal use of any portable parking permit may result in enforcement action.

C. All portable physically disabled person's parking permits shall contain an expiration date. The expiration date may not exceed five years.

1. A temporary permit will be construed as a permit expiring within 12 months or less of the issuance date. A permanent permit will be construed as a permit issued for a period of more than 12 months, not to exceed five years. The only distinguishing feature between the temporary permit and the permanent permit is that the expiration date on the permanent permit is denoted in black ink and the expiration date on the temporary permit is denoted in red ink.

2. It is the applicant's responsibility to obtain a new permit prior to its expiration. A new and renewal permit application must be completed. If the applicant's condition is certified as permanent by the certifying doctor on the initial application, the doctor's certification section on the renewal application does not have to be completed. The renewal application will be processed the same way as was the original application.

D. Vehicles owned by certain nonprofit organizations, licensed hospitals, retirements homes, educational institutions that have under their care or responsibility physically disabled persons, and nursing facilities licensed pursuant to chapter 34-12 (regulation of hospitals and related institutions) may obtain portable physically disabled person's parking permits.

1. These organizations can obtain one permit for each vehicle used to transport physically disabled persons.

2. The permits are only for the loading and unloading of physically disabled persons. Vehicles cannot be parked in a physically disabled person's parking facility.

3. Permits must contain an expiration date and must be renewed with the county treasurer.

E. Violations

1. The court shall assess a fine of not less than $100 if the parking space is marked in accordance with the Americans with Disabilities Act Accessibility Guidelines, as of January 1, 2002, when any person, other than the physically disabled person to whom it was issued uses a physically disabled person's parking permit for the purpose of parking; when a person who is not a person with a physical disability exercises the privileges granted to a person with a physical disability; when the owner of any vehicle not displaying a permit or special plate parks or stops in a parking space, or blocks a parking space on public or private property designated as reserved for a person with a physical disability; when an owner of a vehicle parks, stops, or stands in an access isle or lane immediately adjacent to reserved parking spaces or in front of a ramp or curb-cut in such a manner that blocks access to a person with a disability who uses a wheel chair.

2. The police of any municipality or any other political subdivision are requested to report all violations of special license plates or permits to the Division of Motor Vehicles; who in turn, must revoke the privilege of displaying plates or permits that are improperly used.

3. Each designated parking space must state the penalties for illegal use of the parking space. This only applies to a new sign or a sign that replaces an existing sign after July 1, 2002.

F. Parking Spaces for Physically Disabled Persons

1. Each municipality shall, by ordinance designate special parking spaces that are accessible to and usable by persons with physical disabilities.

2. A municipality may, by ordinance, designate spaces that are only for use by a person using a wheel chair.

PLATES FOR SUBSTANTIALLY PHYSICALLY DISABLED PERSONS

A. Permanently physically disabled persons may obtain special vehicle or motorcycle license plates.

1. Application is made through the applicant's county treasurer in the county of applicant's residence.

2. Applicant must complete an Application for Physically Disabled Person's License Plates.

3. It is a Class 1 misdemeanor to submit a false or fraudulent application.

4. Applicant must submit a physician's certificate on a form approved by the Secretary of Revenue and Regulation, which states that he is substantially disabled by a physical disability and that it is impossible or causes substantial hardship for him to walk.

5. The applicant pays the registration fee and there is no additional charge for the physically disabled persons' license plates. A $5 mailing fee is assessed.

   a. If an applicant's vehicle currently has regular or organization plates assigned to it, the applicant may choose to retain the regular or special license plates that are being removed for future reassignment to a newly acquired vehicle or the applicant may choose to turn in the regular or organization plates to the county treasurer and receive credit for any remaining months on the plates toward the registration fees.

6. The special plates may be used on a noncommercial or a noncommercial declared gross weight licensed vehicle or a motorcycle.

B. Plates are limited to physically disabled persons who own the vehicles and who operate or direct the operation of the vehicles.

1. Effective July 1, 1995, skilled nursing facilities, licensed pursuant to the provisions of Chapter 34-12 (regulation of hospitals and related institutions), who transport physically disabled persons, are eligible for physically disabled person's license plates.

   a. Applicant must comply with procedures for obtaining special plates as set out herein. However, a physician's certificate on the application form is not required.

   b. The plates are only for loading for unloading of physically disabled persons. Vehicles cannot be parked in a physically disabled person's parking facility.

C. Renewal of physically disabled person's parking plates.

1. Renewal is made though the county treasurer.

2. The registration fee is charged, but there is no additional fee charged for the special plate.

D. Sale or transfer of a vehicle.

1. Upon the sale or transfer of a vehicle to which special license plates are attached, the owner must remove the special plates and may select either of the options below:

   a. If an owner is (or will be) replacing the vehicle with a newly acquired vehicle, the owner may request, at time of registration of the newly acquired vehicle, attachment of the

special plates to the vehicle. A $5 plate reassignment fee is assessed. Credit for any remaining months left on the special plates at time of registration will apply. If the plates expire prior to attachment, the plates are invalid and cannot be used.

b. An owner may request transfer of special plates to another vehicle that is owned and titled by the applicant.

1) The special plates may be transferred to a vehicle that already has special license plates assigned to it.

a) Any remaining credit on the special license plates at the time of attachment will apply to the vehicle the plates are being reassigned to. If additional license plate fees are due, the county treasurer will collect the additional fee. A $5 reassignment fee is assessed. No refund will be given.

b) The regular or organization plates that are removed from the vehicle are eligible for attachment to a newly acquired vehicle upon registration of the newly acquired vehicle through the county treasurer. Credit for any remaining months on the plates at time of registration will apply. A $5 plate reassignment fee is assessed. If the plates expire prior to attachment, the plates are invalid and cannot be used.

E. Violations

1. The court shall assess a fine of not less than $100 if the parking space is marked in accordance with the Americans with Disabilities Act Accessibility Guidelines, as of January 1, 2002, when any person, other than the physically disabled person to whom it was issued uses a physically disabled person's parking permit for the purpose of parking; when a person who is not a person with a physical disability exercises the privileges granted to a person with a physical disability; when the owner of any vehicle not displaying a permit or special plate parks or stops in a parking space, or blocks a parking space on public or private property designated as reserved for a person with a physical disability; when an owner of a vehicle parks, stops, or stands in an access isle or lane immediately adjacent to reserved parking spaces or in front of a ramp or curb-cut in such a manner that blocks access to a person with a disability who uses a wheel chair.

2. The police of any municipality or any other political subdivision are requested to report all violations of special license plates or permits to the Division of Motor Vehicles; who in turn, must revoke the privilege of displaying plates or permits that are improperly used.

3. Each designated parking space must state the penalties for illegal use of the parking space. This only applies to a new sign or a sign that replaces an existing sign after July 1, 2002.

SPECIAL LICENSE PLATES FOR PRISONERS OF WAR

A. Any resident of South Dakota who was a prisoner of war (POW) while serving in the United States Armed Forces is eligible for special motor vehicle license plates.

B. Initial registration.

1. The Prisoner of War (POW) application must be completed using the full name (no initials) and South Dakota driver's license number or social security number of the veteran and must be submitted to the county treasurer of veteran's county of residence.

2. The applicant is not exempt from the 3% excise tax.

3. A plate applied for permit will be issued by the county treasurer for the veteran to use in the interim of obtaining the special license plates. The veteran will initially pay the $10 special plate fee and the registration fee until verification of eligibility status is checked. A $5 mailing fee is also assessed.

4. POW plates will be issued from the division upon verification of POW status through the Veteran's Administration in Sioux Falls, SD. If the applicant does not qualify for POW status, the $10 special license plate fee will be refunded. If the applicant does qualify, the registration fee will be refunded.

5. A maximum of 2 sets of special POW plates will be issued per veteran.

6. The special plates can only be used on an automobile, pickup truck, or van licensed under the noncommercial license fee schedule or a motorcycle.

7. The veteran may choose to use one of the 2 sets of POW plates on a noncommercial motor vehicle that is a pickup truck that weighs more than 6,000 pounds that is licensed under the noncommercial gross vehicle weight fee schedule or a motor home. In this case, the veteran pays the registration fee but is not required to pay the $10 initial and renewal POW plate fee.

C. Renewal.

1. A fee of $10 is collected yearly by the county treasurer and decals issued for the special plates. No registration fee is assessed.

D. Sale or transfer of vehicle.

1. Upon the sale or transfer of a vehicle to which special license plates are attached, the owner must remove the special plates and may select either of the options below:

a. If an owner is (or will be) replacing the vehicle with a newly acquired vehicle, the owner may request, at time of registration of the newly acquired vehicle, attachment of the special plates to the vehicle. Credit for any remaining months left on the special plates at time of registration will apply. A $5 reassignment fee is assessed. If the plates expire prior to attachment, the plates are invalid and cannot be used.

b. An owner may request transfer of special plates to another vehicle that is owned and titled by the applicant.

1) The special plates may be transferred to a vehicle that already has special license plates assigned to it.

a) Any remaining credit on the special license plates at the time of attachment will apply to the vehicle the plates are being reassigned to. If additional license plate fees are due, the county treasurer will collect the additional fee. A $5 reassignment fee is assessed. No refund will be given.

b) The regular or organization plates that are removed from the vehicle are eligible for attachment to a newly acquired vehicle upon registration of the newly acquired vehicle through the county treasurer. Credit for any remaining months on the plates at time of registration will apply. A $5 plate reassignment fee is assessed. If the plates expire prior to attachment, the plates are invalid and cannot be used.

E. Surrender of plates.

1. If it is determined that the veteran does not qualify for the special plates or if the veteran dies, the plates must be surrendered to the county treasurer's office of the applicant's county of residence.

AMATEUR AND/OR COMMERCIAL RADIO PLATES

A. Special plates may be obtained from the Division of Motor Vehicles by any official amateur radio operator licensed by the FCC or any licensed commercial station.

1. Application is made through the applicant's county treasurer in the county of applicant's residence.

2. Applicant must complete an Application for Special License Plates (MV-SL1).

3. Upon initial application, the applicant is assessed a $10 fee, in addition to the registration fee. A $5 mailing fee is also assessed.

4. An applicant for amateur radio plates must provide a copy of his FCC license when applying for amateur radio plates.

5. Applicants are allowed to obtain more than one set of the same plate for multiple vehicles. A manual registration must be completed on any renewals involving multiple vehicles.

6. The special plates may be used on a noncommercial or a noncommercial declared gross weight licensed vehicle.

B. The plates may bear the inscription of the station's call numbers and shall be displayed on the vehicle.

1. Special license plates shall be validated each year with distinctive stickers and are valid only for the registration year for which stickers are issued.

2. <u>Upon renewal, the owner pays only the registration fee.</u>

a. If an applicant's vehicle currently has regular or organization plates assigned to it, the applicant may choose to retain the regular or special license plates that are being removed for future reassignment to a newly acquired vehicle or the applicant may choose to turn in the regular or organization plates to the county treasurer and receive credit for any remaining months on the plates toward the registration fees.

C. In the event the FCC license is voided, the applicant must return the special plates to the county treasurer.

D. Sale or transfer of vehicle.

1. Upon the sale or transfer of a vehicle to which special license plates are attached, the owner must remove the special plates and may select either of the options below:

a. If an owner is (or will be) replacing the vehicle with a newly acquired vehicle, the owner may request, at time of registration of the newly acquired vehicle, attachment of the special plates to the vehicle. Credit for any remaining months left on the special plates at time of registration will apply. A $5 plate reassignment fee is assessed. If the plates expire prior to attachment, the plates are invalid and cannot be used.

b. An owner may request transfer of special plates to another vehicle that is owned and titled by the applicant.

1) The special plates may be transferred to a vehicle that already has special license plates assigned to it.

a) Any remaining credit on the special license plates at the time of attachment will apply to the vehicle the plates are being reassigned to. If additional license plate fees are due, the county treasurer will collect the additional fee. A $5 plate reassignment fee is assessed. No refund will be given.

b) The regular or organization plates that are removed from the vehicle are eligible for attachment to a newly acquired vehicle upon registration of the newly acquired vehicle through the county treasurer. Credit for any remaining months on the plates at time of registration will apply. A $5 plate reassignment fee is assessed. If the plates expire prior to attachment, the plates are invalid and cannot be used.

PURPLE HEART PLATES

A. Any resident veteran owner of a motor vehicle who has received the Purple Heart medal can apply for special motor vehicle license plates.

B. Initial registration.

1. The Purple Heart application must be completed using the full name (no initials) of the veteran and submitted to the county treasurer of the veteran's county of residence.

2. The veteran must submit a copy of DD Form 214, discharge papers verifying eligibility.

3. The applicant is not exempt from the 3% excise tax.

4. A plate applied for permit will be issued by the county treasurer for the veteran to use in the interim of obtaining the special license plates. The veteran will initially pay the $10 special plate fee and the registration fee until verification of eligibility status is checked. A $5 mailing fee is also assessed.

5. If the applicant does not qualify for Purple Heart status, the $10 special license plate fee will be refunded. If the applicant does qualify, the registration fee will be refunded.

6. A maximum of 2 sets of special Purple Heart plates will be issued per veteran.

7. The special plates can be used on an automobile, pickup truck, or van licensed under the noncommercial fee schedule or a motorcycle.

a. The veteran may choose to use one of the 2 sets of Purple Heart plates on a noncommercial motor vehicle that is a pickup truck that weighs more than 6,000 pounds that is licensed under the noncommercial gross vehicle weight fee schedule or a motor home. In this case, the veteran pays the registration fee but is not required to pay the $10 initial and renewal Purple Heart plate fee.

D. Renewal.

1. A fee of $10 will be collected yearly by the county treasurer and decals issued for the special plates. No registration fee is charged.

E. Sale or transfer of vehicle.

1. Upon the sale or transfer of a vehicle to which special license plates are attached, the owner must remove the special plates and may select either of the options below:

a. If an owner is (or will be) replacing the vehicle with a newly acquired vehicle, the owner may request, at time of registration of the newly acquired vehicle, attachment of the special plates to the vehicle. Credit for any remaining months left on the special plates at time of registration will apply. A $5 plate reassignment fee is assessed. If the plates expire prior to attachment, the plates are invalid and cannot be used.

b. An owner may request transfer of special plates to another vehicle that is owned and titled by the applicant.

1) The special plates may be transferred to a vehicle that already has special license plates assigned to it.

a) Any remaining credit on the special license plates at the time of attachment will apply to the vehicle the plates are being reassigned to. If additional license plate fees are due, the county treasurer will collect the additional fee. A $5 plate reassignment fee is assessed. No refund will be given.

b) The regular or organization plates that are removed from the vehicle are eligible for attachment to a newly acquired vehicle upon registration of the newly acquired vehicle through the county treasurer. Credit for any remaining months on the plates at time of registration will apply. A $5 plate reassignment fee is assessed. If the plates expire prior to attachment, the plates are invalid and cannot be used.

E. Surrender of plates.

1. If it is determined that the veteran does not qualify for the special plates or if the veteran dies, the plates must be surrendered to the county treasurer's office of the applicant's county of residence.

PEARL HARBOR PLATES

A. Any resident of South Dakota who was serving in the United States Armed Forces and survived the attack at Pearl Harbor, Hawaii, on December 7, 1941, and who received an honorable discharge may apply for special motor vehicle license plates.

B. Initial registration.

1. The Pearl Harbor Survivor (PHS) application must be completed using the full name (no initials) and VA Claim Number and submitted to the county treasurer of the veteran's county of residence.

2. The applicant is not exempt from the 3% excise tax.

3. A plate applied for permit will be issued by the county treasurer for the veteran to use in the interim of obtaining the special license plates. The veteran will initially pay the $10 special plate fee and the registration fee until verification of eligibility status is checked. A $5 mailing fee is also assessed.

4. If the applicant does not qualify for PHS status, the $10 special license plate fee will be refunded. If the applicant does qualify, the registration fee will be refunded.

5. A maximum of 2 sets of special PHS plates will be issued per veteran.

6. The special plates can be used on an automobile, pickup truck, or van licensed under the noncommercial license fee schedule or a motorcycle.

a. The veteran may choose to use one of the 2 sets of PHS plates on a noncommercial motor vehicle that is a pickup truck that weighs more than 6,000 pounds that is licensed under the noncommercial gross vehicle weight fee schedule or a motor home. In this case, the veteran pays the registration fee but is not required to pay the $10 initial and renewal PHS plate fee.

D. Renewal.

1. A fee of $10 will be collected yearly by the county treasurer and decals issued for the special plates, no registration fee is assessed.

E. Sale or transfer of vehicle.

1. Upon the sale or transfer of a vehicle to which special license plates are attached, the owner must remove the special plates and may select either of the options below:

a. If an owner is (or will be) replacing the vehicle with a newly acquired vehicle, the owner may request, at time of registration of the newly acquired vehicle, attachment of the special plates to the vehicle. Credit for any remaining months left on the special plates at time of registration will apply. A $5 plate reassignment fee is assessed. If the plates expire prior to attachment, the plates are invalid and cannot be used.

b. An owner may request transfer of special plates to another vehicle that is owned and titled by the applicant.

1) The special plates may be transferred to a vehicle that already has special license plates assigned to it.

a) Any remaining credit on the special license plates at the time of attachment will apply to the vehicle the plates are being reassigned to. If additional license plate fees are due, the county treasurer will collect the additional fee. A $5 plate reassignment fee is assessed. No refund will be given.

b) The regular or organization plates that are removed from the vehicle are eligible for attachment to a newly acquired vehicle upon registration of the newly acquired vehicle through the county treasurer. Credit for any remaining months on the plates at time of registration will apply. If the plates expire prior to attachment, the plates are invalid and cannot be used.

F. Surrender of plates.

2. If it is determined that the veteran does not qualify for the special plates or if the veteran dies, the plates must be surrendered to the county treasurer's office of the applicant's county of residence.

VETERAN PLATES

A. A resident veteran owner of a motor vehicle who has a South Dakota driver's license and who signs an application/affidavit may apply to the Secretary of Revenue and Regulation for special vehicle veteran license plates.

1. Application is made through the applicant's county treasurer in the county of applicant's residence.

B. Initial Application for Veteran Plates.

1. The South Dakota Application for Veteran License Plates and Affidavit must be used by the veteran to attest that he/she is a resident of South Dakota, possesses a valid South Dakota driver's license, and is an honorably discharged veteran having served on active duty in the armed forces of the United States.

   a. An owner falsely attesting to having been an honorably discharged veteran on active duty from the armed forces of the United States is guilty of a class 2 misdemeanor.

2. The application/affidavit form will also be used by the veteran to indicate the military branch of the armed forces that applies and choose from predetermined plate indicators pertaining to conflict and status that are available to the veteran.

3. The applicant is not exempt from the 3% excise tax.

4. Upon initial application, the registration fee is charged in addition to a $10 fee for the special plates. A $5 mailing fee is also assessed.

   a. If an applicant's vehicle currently has regular or organization plates assigned to it, the applicant may choose to retain the regular or special license plates that are being removed for future reassignment to a newly acquired vehicle or the applicant may choose to turn in the regular or organization plates to the county treasurer and receive credit for any remaining months on the plates toward the registration fees.

5. Veteran plates can be used on any noncommercial or declared gross weight licensed vehicle or motor home. They are not available for a motorcycle.

C. Renewal of Veteran Plates.

1. The veteran pays the registration fee, but is not assessed an additional fee for the special plates.

D. Sale or transfer of vehicle.

1. Upon the sale or transfer of a vehicle to which special license plates are attached, the owner must remove the special plates and may select either of the options below:

   a. If an owner is (or will be) replacing the vehicle with a newly acquired vehicle, the owner may request, at time of registration of the newly acquired vehicle, attachment of the special plates to the vehicle. Credit for any remaining months left on the special plates at time of registration will apply. A $5 plate reassignment fee is assessed.

   b. An owner may request transfer of special plates to another vehicle that is owned and titled by the applicant.

1) The special plates may be transferred to a vehicle that already has special license plates assigned to it.

a) Any remaining credit on the special license plates at the time of attachment will apply to the vehicle the plates are being reassigned to. If additional license plate fees are due, the county treasurer will collect the additional fee. A $5 plate reassignment fee is assessed. No refund will be given.

b) The regular or organization plates that are removed from the vehicle are eligible for attachment to a newly acquired vehicle upon registration of the newly acquired vehicle through the county treasurer. Credit for any remaining months on the plates at time of registration will apply. A $5 plate reassignment fee is assessed. If the plates expire prior to attachment, the plates are invalid and cannot be used.

E. If applicant dies.

1. The plates may be retained by the veteran owner's family, but may not be displayed on the vehicle beyond the expiration date of the plates or stickers.

CONGRESSIONAL MEDAL OF HONOR PLATES

A. Any resident veteran owner of a motor vehicle who has received the Congressional Medal of Honor may apply for special license plates.

1. The application must be completed using full name (no initials).

2. The applicant is not exempt from the 3% excise tax due.

3. No license fee is charged (registration fee or special license plate fee).

4. The initial application is submitted to the veteran's county treasurer in the veteran's county of residence.

5. A maximum of two sets of plates may be issued.

B. Renewal of Congressional Medal of Honor Plates.

1. No fee for the renewal of the plates.

C. Sale or transfer of vehicle.

1. Upon the sale or transfer of a vehicle to which special license plates are attached, the owner must remove the special plates and may select either of the options below:

a. If an owner is (or will be) replacing the vehicle with a newly acquired vehicle, the owner may request, at time of registration of the newly acquired vehicle, attachment of the special plates to the vehicle.

b. An owner may request transfer of special plates to another vehicle that is owned and titled by the applicant.

1) The special plates may be transferred to a vehicle that already has special license plates assigned to it.

a) The regular or organization plates that are removed from the vehicle are eligible for attachment to a newly acquired vehicle upon registration of the newly acquired vehicle through the county treasurer. Credit for any remaining months on the plates at time of registration will apply. A $5 plate reassignment fee is assessed. If the plates expire prior to attachment, the plates are invalid and cannot be used.

D. If the applicant dies, the special plates may be retained by the veteran's family, but may not be displayed on the vehicle beyond the expiration of the plates or renewal stickers.

HISTORICAL VEHICLES

A. A vehicle or motorcycle over 30 years old that is used only for special occasions such as display, exhibitions, parades, etc., and not for general transportation, although the vehicle/motorcycle may be driven to and from service stations for fuel and repairs, may be licensed as a historical vehicle/motorcycle.

B. Historical plates can be obtained for a one-time $10 registration fee. Application is made directly to the Division of Motor Vehicles. A $5 mailing fee is also assessed.

1. Applicant must complete and submit an Application for Special License Plates (MV-SL1).

2. The original title (South Dakota or out-of-state) must be surrendered and sent with the bill of sale and application for title (MV-608) to the Division of Motor Vehicles.

3. If all efforts have been made to locate the title and no records can be found, an affidavit must be submitted indicating efforts made in locating the previous owner to obtain the title.

4. It will be at the discretion of the Division of Motor Vehicles to determine if a title will be issued based upon the applicant's documentation which is submitted.

5. The South Dakota driver's license number or social security number of each owner must be given. In the case of a company, the FEIN is required. If the company is a sole proprietorship, the owner’s social security number or South Dakota driver’s license number may be used.

C. Historical plates remain with the owner upon sale or transfer of a vehicle. The plates can be attached to a newly acquired historical vehicle upon title and registration of the newly acquired vehicle. A $5 plate reassignment fee is assessed.

1. Historical plates can stay attached upon transfer of the vehicle, provided the former owner of both the vehicle and the plates authorizes in writing the reassignment of ownership of the plate to the new owner(s). The new plate owner(s) pays a $10 fee.

HISTORICAL VEHICLES/ORIGINAL PLATES

A. A motor vehicle (does not include motorcycles) registered pursuant to 32-5-77 (historical vehicle) may, in-lieu-of being issued number plates, display original South Dakota number plates issued in the same year as the model year of the car on which they are displayed.

B. The plates must be in good condition and cannot be used if the number on the original plate is identical to a number on any other plate in a numbering system currently being used.

   a. A photograph of the license plates (set) must be included with the application.

C. Authorization will be granted for the display of only one license plate in those years in which only one plate was issued.

D. The Division of Motor Vehicles must approve the use of the plates.

E. A fee of $10 shall be assessed, as well as a $5 plate reassignment fee.

FIRE FIGHTER LICENSE PLATES

A. A resident of this state who is a fire fighter may apply for special plates designating such person as a fire fighter.

1. Application is made through the applicant's county treasurer in the county of applicant's residence.

2. In addition to the registration fee, the applicant pays a special plate fee of $10 for the initial application. A $5 mailing fee is also assessed. Upon renewal, the owner pays only the registration fee.

   a. If an applicant's vehicle currently has regular or organization plates assigned to it, the applicant may choose to retain the regular or special license plates that are being removed for future reassignment to a newly acquired vehicle or the applicant may choose to turn in the regular or organization plates to the county treasurer and receive credit for any remaining months on the plates toward the registration fees.

3. Applicant must complete and submit an application for Special License Plates (MV-SL1).

4. The special plates may be used on a noncommercial licensed or a noncommercial declared gross weight vehicle.

B. Sale or transfer of vehicle.

1. Upon the sale or transfer of a vehicle to which special license plates are attached, the owner must remove the special plates and may select either of the options below:

   a. If an owner is (or will be) replacing the vehicle with a newly acquired vehicle, the owner may request, at time of registration of the newly acquired vehicle, attachment of the special plates to the vehicle. Credit for any remaining months left on the special plates at time of registration will apply. A $5 plate reassignment fee is assessed.

   b. An owner may request transfer of special plates to another vehicle that is owned and titled by the applicant.

      1) The special plates may be transferred to a vehicle that already has special license plates assigned to it.

         a) Any remaining credit on the special license plates at the time of attachment will apply to the vehicle the plates are being reassigned to. If additional license plate fees are due, the county treasurer will collect the additional fee. A $5 plate reassignment fee is assessed. No refund will be given.

         b) The regular or organization plates that are removed from the vehicle are eligible for attachment to a newly acquired vehicle upon registration of the newly acquired vehicle through the county treasurer. Credit for any remaining months on the plates at time of registration will apply. A $5 plate reassignment fee is assessed. If the plates expire prior to attachment, the plates are invalid and cannot be used.

C. If the fire fighter is discharged, separated or retires, the distinctive plates are to be surrendered to the county treasurer.

PERSONALIZED LICENSE PLATES

A. Application for special personalized license plates shall be made to the applicant's county treasurer in the applicant's county of residence.

1. An application for personalized plates (MV-239), the registration fee, plus a $25 fee for the special license plates is required. A $5 mailing fee is assessed.

   a. If an applicant's vehicle currently has regular or organization plates assigned to it, the applicant may choose to retain the regular or special license plates that are being removed for future reassignment to a newly acquired vehicle or the applicant may choose to turn in the regular or organization plates to the county treasurer and receive credit for any remaining months on the plates toward the registration fees.

2. Personalized plates can consist of no more than seven letters, nor less than two. Spaces or stars should be indicated on the application if desired.

4. Applicant shall state the meaning behind the requested personalized plate, on the application form.

5. The special plates may be used on a noncommercial licensed or a noncommercial declared gross weight vehicle or a motorcycle.

B. Renewal.

1. Personalized license plates shall be renewed each year on a staggered registration basis and are valid only for the registration year for which such stickers are issued.

2. The renewal fee is $25, plus the registration fee.

C. Sale or transfer of vehicle.

1. Upon the sale or transfer of a vehicle to which special license plates are attached, the owner must remove the special plates and may select either of the options below:

   a. If an owner is (or will be) replacing the vehicle with a newly acquired vehicle, the owner may request, at time of registration of the newly acquired vehicle, attachment of the special plates to the vehicle. Credit for any remaining months left on the special plates at time of registration will apply. A $5 plate reassignment fee is assessed.

   b. An owner may request transfer of special plates to another vehicle that is owned and titled by the applicant.

      1) The special plates may be transferred to a vehicle that already has special license plates assigned to it.

         a) Any remaining credit on the special license plates at the time of attachment will apply to the vehicle the plates are being reassigned to. If additional license plate fees are due, the county treasurer will collect the additional fee. A $5 plate reassignment fee is assessed. No refund will be given.

b) The regular or organization plates that are removed from the vehicle are eligible for attachment to a newly acquired vehicle upon registration of the newly acquired vehicle through the county treasurer. Credit for any remaining months on the plates at time of registration will apply. A $5 plate reassignment fee is assessed. If the plates expire prior to attachment, the plates are invalid and cannot be used.

D. In the event an owner has purchased personalized license plates and then wants different personalized license plates for the vehicle, the owner can turn in the personalized license plates, receive credit for remaining months on the plates, and pay the $25 plate fee (prorated). A duplicate plate fee is not assessed.

PERSONALIZED MOTORCYCLE PLATES

A. An owner of a motorcycle who is a resident of this state may apply for personalized motorcycle license plates. Personalized plates may contain a maximum of six letters and a minimum of two letters.

1. The annual fee for the plate is $20, in addition to the registration fee. A $5 mailing fee is assessed.

a. If an applicant's vehicle currently has regular or organization plates assigned to it, the applicant may choose to retain the regular or special license plates that are being removed for future reassignment to a newly acquired vehicle or the applicant may choose to turn in the regular or organization plates to the county treasurer and receive credit for any remaining months on the plates toward the registration fees.

2. Initial application is made to the county treasurer of the applicant's county of residence.

a. Renewal is made through the applicant's county treasurer's office.

B. Sale or transfer of vehicle.

1. Upon the sale or transfer of a vehicle to which special license plates are attached, the owner must remove the special plates and may select either of the options below:

a. If an owner is (or will be) replacing the vehicle with a newly acquired vehicle, the owner may request, at time of registration of the newly acquired vehicle, attachment of the special plates to the vehicle. Credit for any remaining months left on the special plates at time of registration will apply. A $5 plate reassignment fee is assessed.

b. An owner may request transfer of special plates to another vehicle that is owned and titled by the applicant.

1) The special plates may be transferred to a vehicle that already has special license plates assigned to it.

a) Any remaining credit on the special license plates at the time of attachment will apply to the vehicle the plates are being reassigned to. If additional license plate fees are due, the county treasurer will collect the additional fee. A $5 plate reassignment fee is assessed. No refund will be given.

b) The regular or organization plates that are removed from the vehicle are eligible for attachment to a newly acquired vehicle upon registration of the newly acquired vehicle through the county treasurer. Credit for any remaining months on the plates at time of registration will apply. A $5 plate reassignment fee is assessed. If the plates expire prior to attachment, the plates are invalid and cannot be used.

C. In the event an owner has purchased a personalized license plate and then wants a different personalized license plate for the vehicle, the owner can turn in the personalized license plate, receive credit for remaining months on the plate, and pay the $20 plate fee (prorated). A duplicate plate fee is not assessed.

NATIVE AMERICAN TRIBAL LICENSE PLATES

A. Any owner of a motor vehicle, who is a resident of this state, may obtain Native American tribal license plates.

1. Application is made through the applicant's county treasurer in the applicant's county of residence.

2. The initial fee for the Native American tribal plates is $10, in addition to the registration fee. A $5 mailing fee is also assessed.

   a. If an applicant's vehicle currently has regular or organization plates assigned to it, the applicant may choose to retain the regular or special license plates that are being removed for future reassignment to a newly acquired vehicle or the applicant may choose to turn in the regular or organization plates to the county treasurer and receive credit for any remaining months on the plates toward the registration fees.

3. Applicant must complete and submit an Application for Special License Plates (MV-SL1).

4. The special plates may be used on a noncommercial or a noncommercial declared gross weight licensed vehicle.

B. Renewals are processed through the applicant's county treasurer. There is no renewal fee for the special plates, other than the registration fee.

C. Sale or transfer of vehicle.

1. Upon the sale or transfer of a vehicle to which special license plates are attached, the owner must remove the special plates and may select either of the options below:

   a. If an owner is (or will be) replacing the vehicle with a newly acquired vehicle, the owner may request, at time of registration of the newly acquired vehicle, attachment of the special plates to the vehicle. Credit for any remaining months left on the special plates at time of registration will apply. A $5 plate reassignment fee is assessed.

   b. An owner may request transfer of special plates to another vehicle that is owned and titled by the applicant.

      1) The special plates may be transferred to a vehicle that already has special license plates assigned to it.

         a) Any remaining credit on the special license plates at the time of attachment will apply to the vehicle the plates are being reassigned to. If additional license plate fees are due, the county treasurer will collect the additional fee. A $5 plate reassignment fee is assessed. No refund will be given.

         b) The regular or organization plates that are removed from the vehicle are eligible for attachment to a newly acquired vehicle upon registration of the newly acquired vehicle through the county treasurer. Credit for any remaining months on the plates at time of registration will apply. A $5 plate reassignment fee is assessed. If the plates expire prior to attachment, the plates are invalid and cannot be used.

ORGANIZATION PLATES

A. (available January 1, 2000) Any owner of a motor vehicle or (available July 1, 2009) motorcycle, who is a resident of this state, who has a valid South Dakota driver's license or South Dakota identification number as assigned by the Department of Public Safety, may upon request receive from the county treasurer a set of organization plates that allow for the placement of an organization decal on the plates.

1. The plates may only be used on noncommercial or noncommercial declared gross weight vehicles and motorcycles (not allowed on commercial vehicles, trailers, snowmobiles, or boats).

2. If the organization plates are requested at time of initial application, no additional fee is charged for the plates, above the costs involved in registering the vehicle. If the plates are requested later or if the vehicle has current plates, the plates must be surrendered and a $10 fee is charged, in addition to any applicable costs involved in the registration.

B. Sale or transfer of vehicle.

1. Upon the sale or transfer of the vehicle or motorcycle to which the organizational plates are attached, the owner must remove the plates and may select either of the options below:

a. The plates, if valid (not expired) can be attached to a newly acquired vehicle or motorcycle upon registration of the vehicle through the county treasurer.

b. Any remaining credit on the plates at the time of registration is applied.

c. A $5 plate reassignment fee is assessed.

2, An owner may request transfer of the organization plates to another vehicle or motorcycle that is owned and titled by the applicant.

a. Organization plates may be transferred to a vehicle or motorcycle that already has special license plates assigned to it.

b. Any remaining credit on the organization plates at the time of attachment will apply to the vehicle or motorcycle the plates are being reassigned to. If additional license plate fees are due, the county treasurer will collect the additional fee. A $5 plate reassignment fee is assessed. No refund will be given.

c. The regular or organization plates that are removed from the vehicle or motorcycle are eligible for attachment to a newly acquired vehicle or motorcycle upon registration of the newly acquired vehicle through the county treasurer. Credit for any remaining months on the plates at time of registration will apply. A $5 plate reassignment fee is assessed. If the plates expire prior to attachment, the plates are invalid and cannot be used.

C. To qualify for organization decals, an organization must be a nonprofit corporation or a group of nonprofit corporations with a common purpose, on file with the secretary of state's office and must have a minimum of 200 members. In addition, the following requirements must be met.

1. The primary activity or interest of the organization or group of organizations serves the community, contributes to the welfare of others, and is not offensive or discriminatory in its purpose, nature, activity, or name.

2. The name and purpose of the organization or group of organizations does not promote any specific product or brand name that is provided for sale; and

3. The decal of the organization or group of organizations does not promote a specific religion, faith, or anti-religious belief.

4. The organization shall make application for the decals to the division and provide the following:

a. A copy of its articles of incorporation for each organization.

b. A copy of its charter or by-laws for each organization.

c. Any Internal Revenue Service rulings of each organization's nonprofit tax exemption status.

d. A completed decal design with the organization name and the organization logo (no larger than three inches by three inches); or in the case of a group of organizations, a decal design which clearly depicts the common purpose and theme of the group.

1) Effective July 1, 2006, the department may authorize an organization to use a decal produced by the organization. The organization must request approval by submitting, along with the application, an original decal.

a) The size of the decal must be approximately 3" x 3".

e. A completed application for organization decals on a form provided by the department.

D. Effective July 1, 2004, any first responder organization may apply for first responder decals.

5. If approved, the organization must purchase a minimum of 100 sets of the organization decals. The organization must reimburse the division for the cost of the decals, plus a 15 percent administrative fee. The decals are produced by the Penitentiary and sent to the organization.

6. The organization is responsible for establishing the qualifying criteria for the decals, selling/distributing the decals, etc.

E. Effective July 1, 2004, any first responder organization may apply for first responder decals.

1. The following requirements must be met.

a The primary activity or interest of the first responder organization serves the community, contributes to the welfare of others and is not offensive or discriminatory in its purpose, nature, activity or name.

b. The name and purpose of the first responder organization does not promote any specific product or brand name that is provided for sale.

c. The decal of the first responder organization does not promote a specific religion, faith, or anti-religious belief.

d. The application and decal design have been approved by the Department of Public Safety.

2. The first responder organization must purchase no fewer than 100 sets of the decals.

3. All other criteria established for organization decals pertain to first responder decals.

GOLD STAR FAMILY PLATES

A. A resident owner of a motor vehicle who is a parent, a spouse, a sibling, or a child of a member of the US Armed Forces who died while in service to this country or who died as a result of the service may apply for special Gold Star Family license plates.

1. Application is made through the applicant's county treasurer in the county of applicant's residence.

2. The special plates may be used on a noncommercial or a noncommercial declared gross weight licensed vehicle.

B. Initial Application for Gold Star Family Plates.

1. The application must be accompanied by a copy of the Department of Defense Report of Casualty (DD Form 1300) or death notice, or verification from the US Department of Veterans Affairs (VA) that the service member's death was service related.

2. An applicant may receive a maximum of two sets of the special license plates.

4. Upon initial application, the applicant is charged a $10 fee for the special plates, in addition to the registration fee. A $5 mailing fee is also assessed.

a. If an applicant's vehicle currently has regular or organization plates assigned to it, the applicant may choose to retain the regular or special license plates that are being removed for future reassignment to a newly acquired vehicle or the applicant may choose to turn in the regular or organization plates to the county treasurer and receive credit for any remaining months on the plates toward the registration fees.

5. Gold Star **Family** plates are available for noncommercial vehicles only.

C. Renewal of Gold Star Family Plates.

1. The registration fee is assessed, but no additional fee is assessed for the special plates.

D. Sale or transfer of vehicle.

1. Upon the sale or transfer of a vehicle to which special license plates are attached, the owner must remove the special plates and may select either of the options below:

a. If an owner is (or will be) replacing the vehicle with a newly acquired vehicle, the owner may request, at time of registration of the newly acquired vehicle, attachment of the special plates to the vehicle. Credit for any remaining months left on the special plates at time of registration will apply. A $5 plate reassignment fee is assessed.

b. An owner may request transfer of special plates to another vehicle that is owned and titled by the applicant.

1) The special plates may be transferred to a vehicle that already has special license plates assigned to it.

a) Any remaining credit on the special license plates at the time of attachment will apply to the vehicle the plates are being reassigned to. If

additional license plate fees are due, the county treasurer will collect the additional fee. A $5 plate reassignment fee is assessed. No refund will be given.

b) The regular or organization plates that are removed from the vehicle are eligible for attachment to a newly acquired vehicle upon registration of the newly acquired vehicle through the county treasurer. Credit for any remaining months on the plates at time of registration will apply. A $5 plate reassignment fee is assessed. If the plates expire prior to attachment, the plates are invalid and cannot be used.

E. If applicant dies.

1. The special plates may be retained by the plate owner's family, but may not be displayed on the vehicle beyond the expiration date of the plates or stickers.

DEALER LICENSES

A. No person may engage in the business, either exclusively or in addition to any other occupation, of selling, or may offer to sell, display, or advertise the sale of new or used vehicles or boats, without a license. A violation is a Class 1 misdemeanor. A second or subsequent violation is a Class 6 felony

B. No person may act as, offer to act as, or hold himself or herself out to be a broker. A violation is a Class 2 misdemeanor.

C. Exceptions.

1. Any receiver, trustee, administrator, executor, guardian, or other person appointed by or acting under the judgment or order of any court.

2. Any public officer while performing the officer's official duties.

3. Any employee of any person licensed as a dealer if engaged in the specific performance of the employee's duties.

4. Any person not engaged in the sale of vehicles as a business who operates fleets of vehicles and is disposing of vehicles used in the person's business, if the same were acquired and used in good faith and not for the purpose of avoiding the provisions of this chapter.

5. Any regulated lenders as that term is defined in § 54-3-14, any insurance company authorized to do business in this state or any financing institution as defined in and licensed pursuant to chapter 54-7 that acquires vehicles/boats as an incident to its regular business.

5A. Any financial institution chartered or licensed in any other jurisdiction that acquires vehicles/boats as an incident to its regular business and sells such vehicles/boats to dealers licensed under this chapter.

6. Any vehicle rental and leasing company that sells its used vehicles to dealers licensed under this chapter.

7. Any nonprofit automobile club if selling automobiles twenty years old or older under the provisions of chapter 32-3.

8. Any person engaged in the business of manufacturing or converting new vehicles/boats if selling such vehicles/boats to a licensed dealer holding a franchise from the original manufacturer of the vehicle/boat.

8A. Any person who sells less than five vehicles/boats in a twelve-month period, unless the person is licensed as a dealer in another state or holds himself or herself out as being in the business of selling vehicles/boats. However, if the vehicles are travel trailers, any person who sells less than three travel trailers in a twelve-month period.

9. Any person acting as an auctioneer if auctioning South Dakota titled vehicles for a licensed dealer or a person who is exempt from the provisions of this chapter.

10. Any towing agency that acquires and sells a vehicle which has been towed at the request of a private landowner under the provision of chapter 32-36 or at the request of a law enforcement officer, if no vehicle is sold for an amount over two hundred dollars.

11. Any person not engaged in the sale of vehicles/boats as a business and is disposing of vehicles/boats used solely for personal use if the vehicles/boats were acquired and used in good faith and not for the purpose of avoiding the provisions of this chapter.

D. Application must be made to the office of the county treasurer of the county in which such dealership is located.

1. All questions on the application form must be fully and accurately assessed for said application to be processed. Incomplete applications will be returned to the applicant.

2. Licenses will be issued directly from the Department of Revenue. Delays will result in processing an application, unless all of the required documentation accompanies the application.

3. Dealers may not legally operate until such time as the current license has been issued.

E. In licensing year 2000, a staggered license renewal system was implemented for all license types. License renewal notices and billings are mailed out to all licensees within 3 months of expiration of a license. (The South Dakota Dealer License Application Form previously used for renewal of a license is now used only for an initial application for a dealer license.) The license renewal notice and billing must be reviewed, updated, and submitted, along with required fees, to the county treasurer's office of the dealership prior to the deadline date shown on the notice. **(Note: If the notice is not submitted by the deadline date, an initial license fee will be assessed.)** The renewal and billing period involves those months that will take the dealer to his assigned staggered registration month. If the assigned staggered registration renewal month is within 6 months of expiration of a current license, fees are assessed into the next licensing year. The renewal fee is prorated according to the number of months in the billing period.

F. The license renewal notice and billing also include dealer plates that are assigned to the dealership. If the desire is to increase or decrease the number of plates assigned, the change must be noted on the notice and the billing adjusted accordingly.

G. The actual (paper) dealer license is issued for a five-year period. A license must be renewed yearly by following the procedure noted above (verifying and submitting the license renewal notice and billing, along with the required fees, to the county treasurer of the dealership).

1. On new dealer applications, such firms must be inspected by an authorized dealer inspector before license will be granted.

2. If the applicant intends to establish a second business in another county, a separate license must be obtained.

H. The initial/renewal dealer license fees are:

1. Vehicle dealer/used vehicle dealer -- $300/initial, $175/renewal.

2. Mobile home dealer -- $300/initial, $150/renewal.

3. Motorcycle dealer -- $250/initial, $150/renewal.

4. Snowmobile dealer -- $150/initial, $125/renewal.

5. Trailer dealer -- $125/initial, $100/renewal.

6. Boat dealer -- $250/initial, $175/renewal.

I. Before a dealer's license may be issued to any person, firm, or corporation engaged in the business of selling motor vehicles, motorcycles, house trailers, trailers, snowmobiles, or boats, the following must be submitted with the application for dealer license:

1. A corporate bond, issued by a corporate surety which has been authorized to do business in this state, in the amount of $25,000 for new and used motor vehicles and mobile homes; $10,000 for trailers (3,000 pounds and over); $20,000 for boats; and $5,000 for motorcycles and snowmobiles, for the use and benefit of any purchaser or holder of lien and conditioned to pay all loss, damages and expenses that may result because of failure to title, or because of any fraudulent misrepresentation or breaches of warranty as to freedom of liens. Any such dealer renewing his South Dakota dealer license, and who has already filed such surety bond with the department, need not file any further bond, until such time as the bond may expire, or unless the dealership name changes.

2. A public liability insurance policy of not less than $300,000 for vehicle dealers, used vehicle dealers and motorcycle dealers. This is not required of trailer dealers, snowmobile dealers, mobile/manufactured home dealers, and boat dealers.

J. Principal place of business.

1. All applicants and existing dealerships must have a principal place of business that conforms to the laws and rules under dealer licensing. For vehicle, used vehicle, motorcycle, trailer, and boat dealers, this requires an enclosed permanent structure located within the state, easily accessible and open to the public at all reasonable times. There must be an improved area adjoining the building that is large enough to display five or more vehicles/boats of the type the dealer is licensed to sell.

2. The principal place of business location must accord to all applicable land use ordinances, building codes and zoning. (Written verification of conformance from the city or county must be submitted with all initial applications for license.) It is the location that all books, records and files necessary to conduct business are kept and maintained. **In no event may rooms in a hotel, motel, apartment house, or any part of a single or multiple unit dwelling house be considered a principal place of business, unless the entire ground floor is devoted principally to, and occupied for, commercial purposes.**

3. The licensed dealer must be open for business on a continuing basis, with normal business hours posted in a place visible for viewing by the public.

4. The dealership must maintain a telephone and the telephone number, in the name of the business, must be listed in either the white or yellow pages.

5. In the event the principal place of business is in a structure which houses more than one business, the dealer's office must be separate from the other business.

7. A dealer inspector must inspect all principal places of business and certify they are in accordance with the law before a dealer license is issued.

K. Principal place of business for mobile/manufactured homes.

1. The place of business for mobile/manufactured home dealers may not be a tent, temporary stand or other temporary quarters, nor permanent quarters occupied pursuant to any temporary arrangement.

2. The licensee may use unimproved lots and premises for sale, storage and display of mobile homes and manufactured homes.

3. A licensee may use a residence located within or adjacent to his mobile home park or a manufactured home park as a principal place of business, unless prohibited by local zoning.

4. "An auxiliary lot," defined as a physically separate location such as a mobile home park, manufactured housing, rental community, manufactured housing subdivision, or any residential lot, may be used as a supplemental lot. The auxiliary lot may be located outside of the county of the principal place of business of the dealer.

L. A snowmobile dealer must have a place of business in which the records, books and files necessary to conduct business are maintained and available for inspection.

M. Any applicant who is moving his dealership to a new location must obtain permission, 30 days in advance of the move, from the Department of Revenue. The applicant must furnish written verification of conformance with building and zoning from the city or county on the new location. The bond and insurance on file with the department may also have to be updated with new certificates or riders.

N Licensed motor vehicle dealers may purchase special dealer license plates for use on their vehicles. Each set of dealer license plates shall cost $63 in July 2011 and $84 in July 2013. Licensed motorcycle dealers, trailer dealers, and mobile home dealers may purchase dealer metal number plates. The fee for each plate is $15 in July 2011 and $20 in July 2013. Licensed boat dealers may purchase dealer plates. The fee for each set of plates is $20. A mailing fee of $5 per plate or set of plates and $1 per decal or set of decals is also assessed.

1. New and used mobile/manufactured homes owned by a dealer may be transported upon the streets and highways to the dealer's place of business and to the purchaser of such a home and between a dealer's place of business and a supplemental lot or a temporary supplemental lot. Any mobile/manufactured home purchased or transported by or for a dealer must have:

   a. On any used home, an affidavit issued by the county treasurer of the county in which the home is registered, stating that the current year's taxes have been paid.

   b. A self-issued permit displayed when moving a used or new mobile/manufactured home.

   c. When a dealer sells a new or used or an out-of-state titled mobile/manufactured home and is transporting it to the purchaser, the dealer must file a Property Tax Assessment (PT6) with the director of equalization in the county of destination.

O. Effective July 1, 2004, a dealer may purchase "88" dealer commercial plates that can only be used to transport inventory replacement vehicles. The plates cannot be used on a vehicle for lease or hire or on a wrecker or service truck.

1. The fee for the plate is based on the commercial fee schedule. A mailing fee of $5 per set of plates and $1 per set of decals is also assessed.

2. The dealer is exempt from paying the 3% motor vehicle excise tax.

3. The plates can be transferred from one vehicle to another.

4. The vehicle must comply with all provisions pertaining to overweight operations.

5. The maximum license gross weight may not exceed 26,000 pounds.

6. The commercial gross weight tonnage must be paid and the tonnage sticker affixed to the “88” plate prior to operation.

P. Application for dealer license plate and the license fee are to be submitted to the county treasurer.

1. Dealers must have a valid dealer's license for the year of dealer license plates they are wishing to obtain before such dealer license plates can be issued.

2. Dealer license plates are to be used only on vehicles/boats owned by the dealer.

3. Dealer license plates shall not be used for lease, rental, hire, wreckers, tow cars, or service trucks.

4. Dealer license plates shall not be loaned or left attached to any vehicle/boat sold by dealer.

5. Dealer license plates may be transferred from one vehicle/boat to another when owned by the dealer.

Q. All dealer license fees, dealer license plate fees, and appropriate application forms shall be invoiced daily into the department on the noncommercial daily invoice.

R. Any seller of a motor vehicle/boat shall, on demand by the Secretary of Revenue, make available all books, records and memoranda that relate to the sale of a motor vehicle/boat. The Secretary, in the event of any failure or refusal to produce such records, may conduct or cause to be conducted an audit of the books and records of any licensed dealer.

S. All books, records and memoranda that relate to the sale of a motor vehicle/boat shall be retained for five years.

T. Grounds for issuance of a Cease and Desist Order, monetary penalty assessment, denial, suspension or revocation of license. The department may deny any application, apply a cease and desist order, assess a monetary penalty, or suspend or revoke a license for any of the following:

1. Commission of fraud or willful misrepresentation in the application for or in obtaining a license.

2. Conviction of a felony involving snowmobile/vehicle/boat theft or odometer fraud in the last five years.

3. A violation of any law of this state which relates to dealing in manufactured homes/mobile homes/snowmobiles/vehicles/boats.

4. Failure to comply with any administrative rule promulgated by the department.

5. Perpetration of a fraud upon any person as a result of dealing in manufactured homes/mobile homes/snowmobiles/vehicles/boats.

6. Failure to apply for transfers of title as required in chapter 32-3 and 32-3A, 32-20A, 42-8.

7. Failure to allow department inspections, including initial and annual inspections, complaint investigations and necessary follow-up inspections.

8. Misrepresentation through false, deceptive or misleading statements with regard to the sale or financing of manufactured homes/mobile homes/snowmobiles/ vehicles/boats which a dealer has, or causes to have, advertised, printed, displayed, published, distributed, broadcast, televised or made in any manner with regard to the sale or financing of manufactured homes/mobile homes/snowmobiles/vehicles/boats.

9. Refusal to comply with a licensee's responsibility under the terms of the new manufactured home/mobile home/snowmobile/vehicle/boat warranty issued by its respective manufacturer, unless such refusal is at the direction of the manufacturer.

10. Failure to comply with the terms of any bona fide written, executed agreement pursuant to the sale of a manufactured home/mobile home/snowmobile/vehicle/boat.

11. Inability to obtain or renew surety bond or to participate in a dealer asset pool.

12. Failure to maintain and continuously occupy a principal place of business.

13. Failure to obtain or renew a public liability insurance policy of not less than three hundred thousand dollars.

14. Failure to disclose damage to a new snowmobile of which the dealer had knowledge if the dealer's actual cost to repair exceeds five percent of the manufacturer's suggested retail price.

15. For a dealer of manufactured/mobile homes, a previous manufacturer or dealer license revocation in this or any other state.

16. Violation by the dealer of an applicable manufactured home building or safety code.

17. For a manufactured/mobile home dealer, failure to deliver the MSO or title to the county treasurer within 30 days after the date of delivery.

18. For a manufactured/mobile home dealer, conviction within the previous 5 years of a crime that relates directly to the business of the dealer or manufacturer involving fraud, misrepresentation or misuse of funds.

19. For a manufactured/mobile home dealer, misuse of the dealers' metal plates and lending for use on manufactured/mobile homes not owned by the manufacturer or dealer.

U. The department may issue an order directing a dealer to cease and desist from engaging in any act or practice in violation of any of the provisions listed above. A Cease and Desist Order is effective for a period of two years.

1. Within 20 days after service of a Cease and Desist Order, a dealer may request, in writing, a hearing to contest the order. Hearings shall be heard by the Office of Hearing Examiners.

2. If a dealer fails to comply with a Cease and Desist Order, the department may:

   a. Impose a monetary penalty on the dealer of $500 for each violation on the Cease and Desist Order;

   b. Suspend the dealer's license for not more than 30 days; or
   c. Revoke the dealer's license.

3. Within 20 days of service of an order, a dealer may request, in writing, a hearing to contest the order. Hearings shall be heard by the Office of Hearing Examiners.

4. Upon suspension or revocation, a dealer shall immediately return all dealer metal plates and surrender the license certificate. Failure to do so is a Class 2 misdemeanor.

V. Any person who converts or manufactures authorized emergency vehicles (any vehicle of a fire department or any ambulance and emergency vehicle of a municipal department or public service corporation that are designated or authorized by the Department of Commerce and Regulation) and who, for commission or with intent to make a profit or gain, sells, exchanges, rents with option to purchase, offers, or attempts to negotiate a sale or exchange of new, or new and used authorized emergency vehicles, or who is engaged wholly or in part in the business of selling new, or new and used authorized emergency vehicles, <u>or any out-of-state dealer that includes the submission of a bid proposal for the sale of a vehicle, if the bid proposal is offered in response to a bid request originating in this state, shall obtain an emergency vehicle dealer license.</u>

1. An emergency vehicle dealer must meet all the requirements that vehicle dealers must meet, but is exempt from the requirements of having its principal place of business in South Dakota.

2. For an emergency vehicle dealer whose principal place of business is not located in South Dakota, proof is required that it is a licensed dealer in another state and has no outstanding dealer violations (proof can be in the form of an affidavit from the dealer attesting to no outstanding dealer violations).

3. An emergency vehicle dealer is not required to secure a separate license for each county if the dealer has complied with the other requirements of an emergency vehicle dealer's license.

4. The initial license fee for an emergency vehicle dealer's license is $250, the renewal fee is $100.

5. An emergency vehicle dealer must have a surety bond in the amount of $10,000.

W. A dealer must place a notice on any vehicle/large boat sold or offered for sale that has a damage disclosure, salvage title, recovered theft with damage, or a brand that denotes damage to the vehicle on it, (regardless of the age of the vehicle/boat). The notice must be printed on white NCR paper, measuring 4" x 6". The original is to be retained by the dealer and the copy is to be given to the purchaser. The information is to be printed in 12-point (minimum) Universe - bold - capital letters. **See a sample of the notice in the "Forms Section" for wording on the permit.** The notice must be posted on the inside of a side window with the front of the form facing the outside, or in the case of a large boat on the front window, so that it is clearly visible at all times on each vehicle/large boat that contains a damage disclosure or a brand denoting damage to the vehicle/large boat offered for sale to consumers. The dealer is responsible for keeping the notice posted at all times that a vehicle/large boat is available for sale to consumers. At the time of sale of the vehicle/large boat, the dealer shall remove the notice and shall have the purchaser sign and date it. The dealer shall retain the signed notice, along with copies of the title document, for 5 years from the date of sale.

1. If a dealer fails to display a damage disclosure notice (disclosure must be signed by the purchaser at the time of sale), the purchaser may return the motor vehicle/large boat to the dealer within 10 days after receiving the title and shall receive a full refund.

2. See Damage Disclosure Section for more information on damage disclosure.

CONSIGNMENT SALES BY DEALERS OR PUBLIC AUCTIONS

A. Consignment is defined as, "The delivery of a vehicle/boat by the owner into the possession of another without transfer of title for the purpose of sale or where there is any condition that the purchaser does not have an absolute obligation to pay for the vehicle/boat or has a right to return the vehicle/boat to the seller."

B. Public auction is defined as, "A business that is open to the public where South Dakota titled motor vehicles/boats are consigned, displayed, and auctioned to the highest bidder by an auctioneer."

C. Auctioneer is defined as, "A person who presides over a public auction where following an initial starting price, bids are taken from 2 or more people until a final bid or price is established for a motor vehicle/boat."

D. Any vehicle/boat dealer or public auction may sell or offer to sell South Dakota titled vehicles/boats on consignment. **No person may sell or offer to sell on consignment a motor vehicle/boat that the manufacturer's statement of origin has not been transferred.**

1. Any vehicle that is at least 20 years old and any motorcycle that is at least 30 years old may be sold at a public auction as a consignment without a South Dakota title. The vehicle must, however, be titled in the name of the seller.

2. <u>An out-of-state dealer may sell a vehicle that is at least 20 years old or more or a motorcycle that is at least 30 years old that is titled in the dealer's name (out-of-state title) at public auction if the dealer purchases a permit from DMV. The dealer must provide proof that the dealership is in good standing in the dealer's home state and has no outstanding dealer violations. The permit fee is $250 if purchased before the auction and $500 if purchased at or after the auction. A dealer in violation shall be denied a temporary permit for a period of one year from the date of the violation.</u>

E. A consignment sale, other than a public auction (South Dakota dealers), between dealers is prohibited.

F. Vehicles/boats sold on consignment cannot display dealer plates or permits.

1. Valid license plates stay on the vehicle until the vehicle is sold.

   a. Upon sale of the vehicle, the seller must provide the purchaser with a seller's permit.

G. Any dealer or public auction that sells or offers to sell South Dakota titled vehicles/boats (or those exempt from having a South Dakota title) on consignment shall enter into a contract with the consignor. The contract shall contain, at a minimum, the following information:

1. Name and address of consignor (owner).

2. Name and address of consignee (dealer or auctioneer).

3. Vehicle/boat description: title number, year, make serial/hull number.

4. When applicable, completed odometer disclosure.

5. Agreed upon price or range.

6. Agreed upon amount that the owner will pay the dealer or auctioneer.

7. Length of time vehicle/boat will be with the dealer or auctioneer.

8. Disclosure by dealer or auctioneer that the sale is a consignment sale.

9. When applicable, completed damage disclosure.

10. Signature of owner and dealer or auctioneer.

H. The following documents must be available at the dealership or auction prior to sale of a vehicle/boat:

1. South Dakota title in the name of the consignor.

2. Completed and signed consignment sales contract containing information set out above.

3. When applicable, an odometer reading certified by the owner (may be included on contract).

4. When applicable, a damage disclosure statement signed by the owner (may be included on the contract).

5. Federal FTC Buyer Guide must be displayed in vehicle being offered for sale on dealer lot.

I. The following documents must be available at the dealership or auction upon sale of a vehicle/boat:

1. South Dakota title properly assigned by the consignor (owner).

2. Bill of sale.

3. Prior disbursement of proceeds if lien is indicated (lien must be satisfied and released).

4. A violation of these provisions is a Class 2 misdemeanor.

J. A dealer and auctioneer are required to keep the following records.

1. Dealer or auctioneer must maintain record of consignment sales for 5 years.

2. Dealer or auctioneer must retain a copy of consignment sales contract for 5 years.

K. A dealer or an auctioneer may not sell a vehicle/boat that has a title with a lien on it for less than the full amount of the lien, without the advance written consent of the lienholder. A dealer or an auctioneer may not release the proceeds from the sale of a vehicle/boat with a lien until the lienholder signs a release of the lien. A violation of these provisions is a Class 2 misdemeanor.

L. Every dealer and public auction shall keep books, records and files. A record shall be kept on every vehicle offered for sale, including the serial/hull identification number and a description of the vehicle/boat and the name and address of the owner. If the vehicle/boat is sold, the name and address of the person purchasing the vehicle/boat and the price for which it is sold.

M. All records must be open and available to inspection by a dealer inspector.

N. If a dealer takes a vehicle in on consignment and the vehicle does not sell and is returned to the seller, the dealer must charge the customer sales tax, when charging a fee for displaying the vehicle on the dealership lot. Since commissions are not sales taxed, in the event the dealer sells a consigned vehicle, sales tax is not assessed.

O. If a vehicle is sold at auction, the auctioneer's commission is subject to sales tax (an auctioneer's commission is specifically taxed under statute).

MANUFACTURER/CUSTOMIZER AND DEALER TEMPORARY PERMITS

A. Violations

1. Any person found to be in violation of the permitting requirements shall be denied a temporary permit for a period of one year from the date of the violation.

B. Motor vehicle manufacturer/customizer permit:

1. Any person engaged in the business of manufacturing or customizing motor vehicles may display, but not sell, any motor vehicles at an event.

   a. The event must last 3 or more days.

   b. The person must register with and purchase a permit from the department.

   c. The fee for the permit is $250 if purchased prior to the event and $500 if purchased at or after the event.

   d. A customized motorcycle being built for and displayed during a sponsored event (where the participants had to qualify through competition), is not required to have a permit. A permit is required if any customized motorcycle is being displayed outside the sponsored event.

C. Licensed dealer's permit:

1. Any licensed dealer may sell trailers or motorcycles at an event.

   a. The event must last 3 or more days.

   b. The dealer must register with and purchase a permit from the department.

   c. The dealer must provide proof he/she is a licensed dealer in his/her own state and that his/her dealership has no outstanding dealer violations.

   d. A permit to sell **new** trailers or motorcycles can only be issued if the trailers or motorcycles being sold are not franchised in this state.

   e. The fee for the dealer permit is $250 if purchased prior to the event or $500 if purchased at or after the event.

      (1) A permit may be obtained to display a trailer at an event regardless of whether or not there is a franchise in this state. The fee for the permit is $250 if purchased prior to the event or $500 if purchased at or after the permit.

D. License boat and boat trailer dealer permit:

1. The event must last 2 or more days and must be an organized sponsored event with no less than 3 licensed boat dealers displaying boats.

2. The dealer must register with and purchase a permit from the department at least 5 days before the event.

2. The fee for a boat and boat trailer dealer permit is $200.

E. Out-of-state dealer auction permit:

1. An out-of-state dealer may sell a vehicle that is at least 20 years old or more or a motorcycle that is at least 30 years old that is titled in the dealer's name (out-of-state title) at public auction if the dealer purchases a permit from DMV.

2. The dealer must provide proof that the dealership is in good standing in the dealer's home state and has no outstanding dealer violations.

3. The permit fee is $250 if purchased before the auction and $500 if purchased at or after the auction. A dealer in violation shall be denied a temporary permit for a period of one year from the date of the violation.

DEALERS CAR AUCTION AGENCY

A. Dealer's car auction agency includes any person, firm, limited liability company, corporation or association engaged in an auction, as defined by Chapter 59-8, of vehicles. A dealer's car auction agency license is required.

B. Sales at a dealer's car auction agency shall involve only vehicles owned by dealers and sold to dealers. Exceptions:

1. An auction agency may sell vehicles to dealers that are owned and **titled** (instate or out-of-state) by the following entities, if the vehicles were acquired as an incident to its regular business:

a. Any regulated lender as defined in 54-3-14 or any financing institution licensed pursuant to Chapter 54-7.

b. Any financial institution chartered or licensed in any other jurisdiction that acquires vehicles as an incident to its regular business.

1) A dealer's car auction agency may accept a vehicle for sale by a financial institution chartered or licensed in another jurisdiction in which the title is not in the name of the entity, provided the title is in the name of the customer and has the proper documentation required substantiating a repossession transaction.

a) The out-of-state title must be provided.

b) An affidavit form or other such document from the state that allows the lienholder to assign the out-of-state title without obtaining a repossession title must be submitted.

c) A lienholder is required to obtain a repossession title, if from a state that requires a lienholder to obtain a repossession title prior to selling a repossessed vehicle.

c. Any insurance company authorized to do business in either this state or some other state.

C. An auction agency may also accept from any manufacturer any vehicle that is owned by the manufacturer and that has a MCO/MSO or a valid title.

1. Any vehicle with a MCO/MSO sold for a manufacturer can only be offered to the manufacturer's franchised dealers with the same-line vehicle make.

D. An auction agency may also sell vehicles owned by any governmental entity to any member of the public.

1. A sale of these vehicles to the public may not be held on the same day as dealer sales.

E. It is a Class 1 misdemeanor for any auction agency to accept for sale any unauthorized vehicle.

F. An auction agency is required to announce, at the time of the sale, if the vehicle being offered has a title (in-state or out-of-state) that has been marked denoting any brand or damage.

1. If the auction fails to announce a title brand or damage notation, the purchaser may return the vehicle to the auction within 10 days after receiving the title and the auction agency must make full refund to the purchaser.

G. Every auction agency shall keep books, records and files. A record shall be kept of every vehicle offered for sale by or through the agency, including the serial numbers or identification numbers, odometer information, and a description of the vehicle and the name, address and license number of the vehicle dealer who owns the vehicle. If the vehicle is sold, the name, address and license number of the vehicle dealer purchasing the vehicle and the price for which it is sold.

H. An auction agency shall file a bond in the amount of $50,000 and shall have a public liability insurance policy of not less than $300,000.

I. Auction agency "99" license plates.

1. The plates can be used on any vehicle being transported to or from the auction agency's place of business for the purpose of transporting a vehicle that will be sold by the auction agency.

   a. The annual fee for a set of auction plates is $63 in July 2011 and $84 in July 2013. A mailing fee of $5.00 per set of plates and $1 per set of decals is also assessed.

   b. The plates are transferable by the auction agency from one vehicle to another vehicle for transporting purposes.